

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: February 8, 2021

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 011-20 FOR 02/16/21 CLOSED-SESSION AGENDA.

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes () No (X)</u>
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Outside City	3/31/20	5:01 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Garcia, G./PO III	13 years, 10 months
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<u>Total Involved Officer(s)</u>
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1 x Sgt. II
9 x PO III

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Cesar Humberto Lopez: Male Hispanic, 31 years of age.
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**COP Recommendations**

**Tactics** – Administrative Disapproval, Sergeant Kim and Officers Garcia, Estrada, Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Garcia, Estrada, Clark, Hegemier, Trejo, Hoyos, and Rodriguez.

**Lethal Use of Force** – In Policy, No Further Action, Officer Garcia

**IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Lethal Use of Force** – Same as COP.

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## INVESTIGATION

### Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>

**Synopsis:** On Tuesday, March 31, 2020, Metropolitan Division officers, attired in plain clothes and driving unmarked police vehicles, were conducting surveillance of potential robbery suspects in the City of Whittier. A suspect, who was unrelated to the robbery investigation, approached two officers while they were seated in their vehicle. The suspect produced a handgun, resulting in an Officer-Involved Shooting (OIS).

#### Investigative Summary

On March 30, 2020, Police Officers III Ruben Rodriguez, Serial No. 38654, and Anson Bustamante, Serial No. 40558, were assigned to Metropolitan Division, A-Platoon, Crime Impact Team (CIT).<sup>2</sup> One of the CIT responsibilities was assisting divisional detectives with criminal investigations that occurred within Operations West Bureau.

Officer Rodriguez received information from Wilshire Area Detective II John Maloney, Serial No. 36902, regarding an armed robbery that occurred at a 7-Eleven convenience store in Wilshire Area on March 19, 2020.<sup>3</sup> Per the related Investigative Report, the person reporting (PR) the robbery indicated that three suspects entered the store and attempted to take beer without paying. When the PR attempted to stop them, one suspect brandished a handgun and another brandished a knife during the incident.

Detective Maloney briefed Officer Rodriguez on the robbery and requested his assistance in locating and identifying the three outstanding robbery suspects. Detective Maloney provided Officer Rodriguez with copies of the Investigative Report as well as the suspect's information; including photographs of the suspects and the suspect's vehicle (2001 Toyota Echo, green in color, California License Plate No. 4SJB508).<sup>4</sup> Per the Department of Motor vehicles (DMV), the suspect's vehicle was registered to an individual at 11930 Laurel Avenue in the city of Whittier. This address was located in an

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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

<sup>2</sup> Police Officers III Ruben Rodriguez, 12 years, 11 months with the Department, 36 years of age, 5 feet 10 inches tall, 170 pounds and Anson Bustamante, 9 years, 9 months with the Department, 32 years of age, 5 feet 11 inches tall and 170 pounds.

<sup>3</sup> The investigation determined Detective Maloney was not involved in CIT's tactical operation. Therefore, he was not interviewed by Force Investigation Division (FID).

<sup>4</sup> The photographs of the suspects were gleaned from the 7-Eleven security video. The photograph of the suspect's vehicle was provided by a witness to the robbery.

un-incorporated area of Whittier, and within the Los Angeles Sheriff's Department (LASD) jurisdiction.

**Note:** During the course of the investigation, Wilshire Area detectives presented a photo lineup to the witnesses, which included a photograph of the vehicle's registered owner. The witnesses did not identify the registered owner and he was ultimately eliminated as a suspect. Therefore, his name is not included in this administrative summary.

Officer Rodriguez agreed to assist Detective Maloney and assumed investigative responsibility for the surveillance aspect of the investigation.

On March 30, 2020, Officer Bustamante completed a Metropolitan Division Crime Impact Team Operations Plan in preparation for the surveillance operation.<sup>5</sup> The Operations Plan contained pertinent information including but not limited to; the location of the activity and type of crime, radio frequency, suspect information, suspect vehicle information, personnel assigned to the operation and a brief summary, including a description of what information led to the operation.

In addition, Officer Bustamante included a description of the handgun used during the crime, photographs of the robbery suspects and their vehicle. He also provided a google map of the location and surrounding area, as well as a copy of the Office of the Chief of Police, Special Order No. 4, Policy on the Use of Force-Revised, dated February 5, 2020.

Per the Operations Plan, the goal of the operation was to locate and follow the suspect's vehicle, and attempt to identify the robbery suspects. During the course of their surveillance, if the robbery suspects were identified, uniformed officers would detain and apprehend the suspects.

Upon completion of the Operations Plan, it was reviewed and approved by Metropolitan Division, A-Platoon, CIT Sergeant II James Kim, Serial No. 32184. According to Sergeant Kim, he ensured all of the required notifications were made and he emailed the Operations Plan to Metropolitan Division, Lieutenant II John Jenal, Serial No. 23703, for approval.<sup>6</sup>

***OIG Note No. 1: According to Lieutenant Jenal, "My job is to oversee the tactical operations and make sure that they're solid. And then after I***

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<sup>5</sup> Officer Bustamante utilized the Metropolitan Division Crime Impact Team Operations Plan in lieu of Los Angeles Police Department (LAPD) Form 12.22.00 – Operation Plan. During his interview with investigators from FID, Officer Bustamante referred to the Operations Plan as a Tac Plan.

<sup>6</sup> Sergeant James Kim, 24 years, 5 months with the Department, 45 years of age, 5 feet 9 inches tall and 175 pounds. Per their Operations Plan, the required notifications included: The divisional Watch Commander, Outside Agencies and LA CLEAR.

*review them and if I have corrections or something needs to be clarified and I approve it, I give it to one or both of my captains.”<sup>7</sup> In this instance, Lieutenant Jenal recalled that an operational plan was provided to him and that he reviewed it.<sup>8</sup> He also recalled that the plan was thorough and complete.<sup>9</sup>*

*Lieutenant Jenal was asked by FID what his understanding was regarding the requirement to use body armor during this particular operation. He replied, “So body armor is -- is required. And that’s the underlying theme here. [...] Surveillance personnel required unless specifically exempt. We did not get an exemption.”<sup>10</sup>*

**Note:** Officer Rodriguez notified Whittier Police Department of the operation, believing the location fell within their jurisdiction. Unbeknownst to Officer Rodriguez, the location was in the un-incorporated area of Whittier and within the Los Angeles Sheriff Department (LASD) Norwalk Station’s jurisdiction.

On March 30, 2020, the first day of surveillance commenced. The suspects were not located or identified, so the operation resumed on March 31, 2020.

On March 31, 2020, Officer Rodriguez received a phone call from Officer Bustamante, requesting that he update the Operations Plan. According to Officer Rodriguez, he updated the date and time on the Operations Plan and ensured that the required notifications were made. During the notification process, Metropolitan Division, A-Platoon, CIT, Police Officer III Edgar Muro, Serial No, 36863, called Whittier Police Department and was informed that the location was outside of their jurisdiction.<sup>11</sup> He then notified LASD Norwalk Station of their operation.

On March 31, 2020, at approximately 1400 hours, Officers Bustamante and Rodriguez conducted a briefing with CIT personnel for the aforementioned operation. According to Officer Bustamante, he provided the officers with a synopsis of the crime and discussed their roles and assignments. Officer Bustamante advised the officers that their goal was to locate the suspect’s vehicle and attempt to identify the suspects involved in the robbery (Investigators’ Note No. 1).

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<sup>7</sup> Jenal, First Interview, Page 6, Lines 13-17.

<sup>8</sup> *Id.*, Page 7, Lines 13-18.

<sup>9</sup> *Id.*, Page 10, Lines 7-9.

<sup>10</sup> *Id.*, Page 13, Line 18 to Page 14, Line 6.

<sup>11</sup> Police Officer III Edgar Muro, 12 years, 11 months with the Department, 45 years of age, 5 feet 8 inches tall and 175 pounds.

According to Sergeant Kim, “As in all of our briefings, I ensured that all of our officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments.”<sup>12</sup> Additionally, Sergeant Kim added, “And we were all operating in a UC (undercover) capacity, because there was a chance that we’d have to interact with people, get out on foot.”<sup>13</sup>

At the conclusion of the briefing, the following Metropolitan Division, A-Platoon, CIT personnel responded to the area of 11930 Laurel Avenue. They communicated with one another via City-Wide, Tac-5, Channel 47 frequency, which was also assigned a Radio Telephone Operator (RTO).

**The following personnel were attired in plain clothes, driving unmarked police vehicles:**<sup>14</sup>

- Sergeant Kim, Unit R40.
- Officer Rodriguez, Unit R127.
- Officer Muro, Unit R138 and Officer Bustamante, Unit R128.
- Police Officers III Armando Hoyos, Serial No. 36676, Unit R137 and Moses Trejo, Serial No. 37913, Unit R126.
- Police Officers III Guillermo Garcia, Serial No. 38089, Unit R133 and Abraham Estrada, Serial No. 38040, Unit R134.<sup>15</sup>

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<sup>12</sup> Kim, First Interview, Page 8, Lines 11-15.

<sup>13</sup> Kim, Second Interview, Page 5, Lines 4 – 6.

<sup>14</sup> In order to preserve the integrity of future investigations, the descriptions of the unmarked police vehicles are not contained in this report. The vehicle information is stored within the Force Investigation Division (FID) case book.

<sup>15</sup> Officer Garcia, 13 years, 10 months with the Department, 36 years of age, 6 feet 2 inches tall and 210 pounds. He was dressed in plain clothes, wearing a multi-color baseball hat, an untucked black t-shirt and blue jeans. Officer Garcia carried a Department-approved pistol in a holster clipped inside of his front left waistband area and an additional magazine. His badge was clipped to his front left pant pocket. In addition, he had one pair of handcuffs in his left rear pant pocket. Officer Garcia’s tactical ballistic vest, along with his Hobble Restraint Device (HRD) and Oleoresin Capsicum Spray (OC) were in the trunk of his vehicle.

Officer Estrada, 13 years and 11 months with the Department, 36 years of age, 5 feet 6 inches tall and 145 pounds. He was also dressed in plain clothes wearing an untucked black long sleeve shirt and beige pants. Officer Estrada carried a Department-approved pistol in a holster clipped inside of his right front waistband area, a pair of handcuffs in his right rear pant pocket, and his badge was clipped to the left side of his belt. Officer Estrada’s tactical ballistic vest was also stored within the trunk of their vehicle.

- Police Officers III Kristopher Clark, Serial No. 39587, Unit R135 and Brian Hegemier, Serial No. 40216, Unit R136.<sup>16</sup>

**Note:** According to Officers Hegemier and Clark, they were not present for the briefing On March 31, 2020. Prior to responding to the scene, Officer Hegemier spoke with Officer Rodriguez telephonically and was briefed on their assignment. According to Officer Hegemier, they received the same assignment as the day prior; designated point officers.

Officer Clark believed that Officer Rodriguez made all of the required notifications. The investigation determined that Officer Muro assisted Officer Rodriguez during the notification process.

The following personnel were in full uniform, driving an unmarked dual-purpose police vehicle:

- Police Officer III+I Brandon Purece, Serial No. 32488, and Police Officer III Kristina Tudor, Serial No. 40659, Unit R139 (Investigators' Note No. 2).<sup>17</sup>

**Note:** At the time of the operation, all of the above mentioned CIT personnel, with the exception of Officer Tudor, had attended both the Department's 8-hour Undercover Operations Tactical Response Training and 24-hour Surveillance Techniques Courses.

At approximately 1428 hours, Officer Purece placed the above personnel Code Six at 11930 Laurel Avenue, via his Mobile Data Computer (MDC).<sup>18</sup> The location was a single-family dwelling, located mid-block on the east side of Laurel Avenue. The surrounding area was residential, consisting of primarily single-family dwellings.

Upon their arrival, Officers Hegemier and Clark drove by 11930 Laurel Avenue. As they did so, they observed the suspect's vehicle parked on Laurel Avenue, just north of the residence. According to Officer Hegemier, he parked their vehicle on Laurel Avenue, along the east curb, directly in front of the residence and surveilled the location from within their vehicle. Officer Hegemier assumed the role of communications officer.

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<sup>16</sup> During Officer Hegemier's interview with FID, Detective II Ubaldo Zesati, Serial No. 30078, erroneously identified his rank as a Police Officer II. Therefore, Officer Hegemier's transcript erroneously depicts his rank as Police Officer II.

<sup>17</sup> Officer Purece, 24 years, 3 months with the Department, 46 years of age, 6 feet 2 inches tall and 190 pounds. Officer Tudor, 9 years, 4 months with the Department, 33 years of age, 5 feet 3 inches tall and 125 pounds. Officers Purece and Tudor were each wearing their ballistic vests, carrying Department-approved pistols, their TASERs, canisters of OC Spray, Body Worn Video (BWV) and two pairs of handcuffs each. In addition, Officer Purece carried a collapsible baton and HRD on his person.

<sup>18</sup> As a result, Communications Division (CD) Incident Number 20033100003304 was generated.

According to Officer Hegemier, once their position was set, he communicated with the other officers and ensured they were positioned in all four directions. Officer Hegemier broadcast pertinent information to the rest of the team, including a description of the property as well as vehicles that were parked at the location.

The operation began as a static surveillance, as officers surveilled the location from within their parked police vehicles.<sup>19</sup> Officers Hegemier and Clark were responsible for monitoring any activity occurring at 11930 Laurel Avenue. The additional personnel were positioned as follows:

- Officer Rodriguez was responsible for monitoring the suspect's vehicle. He positioned himself approximately one block south of the location and parked on the east side of Laurel Avenue, facing north.
- Officers Muro and Bustamante were assigned to cover the northwest and positioned themselves on Beaty Avenue just west of Fidel Avenue.
- Officers Hoyos and Trejo were assigned to cover the east and positioned themselves on Carmenita Road south of Beaty Avenue.
- Officers Garcia and Estrada were assigned to cover the west and positioned themselves on Laurel Avenue north of Beaty Avenue. They were parked along the west curb, facing south, adjacent to 11711 Laurel Avenue.
- Officers Purece and Tudor were assigned as the chase unit and positioned themselves in the north/south alley, east of Carmenita Road, approximately one block north of Imperial Highway.
- Sergeant Kim was positioned on the southwest corner of Meyer Road and Carmenita Road.

The following diagram depicts the approximate location of the officers in relation to 11930 Laurel Avenue.

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<sup>19</sup> Per the Los Angeles Police Department (LAPD), Use of Force-Tactics Directive No. 10.3, Undercover and Surveillance Operations, dated March 2019, a static surveillance is defined as follows: The incident and UC operation is stationary and being observed from or at primarily the same location.



Officer Hegemier periodically updated the personnel on activity occurring at the location. In addition, Officer Hegemier utilized his cellular phone to take photographs of

individuals that appeared to be associated with the location and forwarded them to the other personnel via a mobile application called, WhatsApp Messenger.<sup>20</sup>

During the operation, Officer Hegemier observed two male Hispanics, later identified as Cesar Humberto Lopez and Charles Anthony Segura cross the street directly in front of their vehicle.<sup>21</sup> Lopez and Segura began walking south on the east sidewalk of Laurel Avenue.<sup>22</sup> According to Officer Hegemier, Lopez was carrying a large gym/duffle bag slung over his shoulder.

**Note:** Officer Hegemier could not recall if the duffle bag was slung over Lopez' right or left shoulder.

Officer Clark noted that Lopez and Segura appeared to slow their pace as they approached their location and appeared to be looking inside of their vehicle.<sup>23</sup> Although Lopez and Segura did not stop at the target location, Officer Hegemier took a photograph of the pair. According to Officer Hegemier, since Lopez and Segura did not stop at the target location, he did not initially advise the surveillance personnel of their presence. Lopez and Segura continued walking south on Laurel Avenue out of their view.

The following photograph of Lopez and Segura was taken by Officer Hegemier via his cellular phone.

[This space has intentionally been left blank.]

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<sup>20</sup> Per the Google Play Store, WhatsApp Messenger was a messaging app available for Android and other smartphones. WhatsApp used your phone's internet connection to let you message and call friends and family. The app also allows you to send and receive photos, videos, documents and voice messages.

<sup>21</sup> Cesar Humberto Lopez, male Hispanic, 5 feet 8 inches tall, 260 pounds, with a date of birth of November 2, 1988. Lopez was wearing a gray shirt, blue shorts and blue shoes at the time of the incident. Charles Anthony Segura, male Hispanic, with a date of birth of July 19, 2001. Segura was wearing a blue jacket and black pants.

<sup>22</sup> According to Segura, Lopez was an acquaintance of his, who he had known for less than one year. Segura referred to Lopez as "Bouncer" during his subsequent interview with FID investigators.

<sup>23</sup> At the time of the incident, Officer Hegemier and Clark's police vehicle had dark tinted windows.



A short time later, Officer Rodriguez observed Lopez and Segura walking south on the east sidewalk of Laurel Avenue. Officer Rodriguez also noted that Lopez was carrying a duffle bag. According to Officer Rodriguez, Lopez and Segura peered into his vehicle as they walked by. Officer Rodriguez pretended to use his cellular phone to avoid being identified as a police officer. According to Officer Rodriguez, Lopez bumped into the rear portion of his vehicle as he walked by. Officer Rodriguez believed Lopez did so intentionally. According to Officer Rodriguez, Lopez looked at him through his side view mirror. Lopez and Segura continued walking south, occasionally looking back in Officer Rodriguez' direction, until they were out of his view.

**Note:** According to Officer Rodriguez, he did not advise the team about Lopez and Segura's actions, because they were walking away from the location. Since there were not officers positioned south of Officer Rodriguez, he no longer perceived them as a threat (Investigators' Note No. 3).

Approximately 45 minutes to an hour later, Officer Rodriguez observed Lopez and Segura walking north on east sidewalk of Laurel Avenue, in his direction. According to Officer Rodriguez, Lopez was still carrying the duffle bag over his left shoulder. The strap of the duffle bag crossed over Lopez' chest area and the storage compartment/bag was on the right side of his body. According to Officer Rodriguez, Lopez' right hand was resting on top of the bag.

According to Officer Rodriguez, as he was seated in his vehicle, he had a compact pistol (a Glock, Model 43, 9-millimeter) holstered and concealed in his front waistband area. Officer Rodriguez had a second full size pistol (Springfield, Model 1911, Ranger Officer, 9-millimeter) holstered and tucked in between the driver's seat and the center console area. Officer Rodriguez retrieved the 1911 pistol and placed it, still holstered, underneath his left leg, with the muzzle facing the driver's door. According to Officer Rodriguez, "My mindset was if this guy tries to confront me. He appeared to be a gang member. He had his right hand somewhere near his bag. I -- I didn't have a view of his hand, so I just wanted to be prepared to react."<sup>24</sup>

According to Officer Rodriguez, once again, Lopez looked into his vehicle as he walked by. Officer Rodriguez glanced up at Lopez, then continued to pretend as if he were using his cellular phone to avoid detection. Lopez and Segura continued walking north on Laurel Avenue.

At approximately 1655:23 hours, Officer Rodriguez broadcast, "Hey point (referring to Officers Hegemier and Clark) just be advised there's two male Hispanics walking northbound, your way, your side of the street, they walked southbound earlier. One is a heavy build male Hispanic gray shirt and the other one is a thin build male Hispanic blue jacket they are looking into cars."<sup>25</sup>

Officers Hegemier and Clark observed Lopez and Segura walking north on Laurel Avenue; Lopez on the east sidewalk and Segura in the middle of the street. Officers Hegemier and Clark noted that Lopez and Segura were looking up and down the street constantly. According to Officer Clark, "Both of them (Lopez and Segura) had their heads on a swivel up and down the street constantly looking for -- for -- I don't know what they were looking for, but appeared to be like they were looking for the police."<sup>26</sup>

According to Officer Hegemier, based on his prior experience working gang assignments, it is common for the individual walking in the street to be acting as the lookout, while the person on the sidewalk is armed, acting as security. According to

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<sup>24</sup> Rodriguez, First Interview, Page 25, Lines 14-18.

<sup>25</sup> Gleaned from City-Wide, Tac-5, Channel 47 frequency.

<sup>26</sup> Clark, Page 17, Lines 1-4.

Officer Hegemier, "Based on the actions these guys were doing, peering into cars as they were walking by, it kind of heightened my awareness at that point."<sup>27</sup>

As Lopez and Segura approached the rear of Officers Hegemier and Clark's vehicle, Lopez whistled to an unidentified male who was on the west side of Laurel Avenue. According to Officer Hegemier, Lopez and Segura walked in a westerly direction across Laurel Avenue and engaged in a brief conversation with the unidentified male. They then continued walking north on Laurel Avenue; Lopez on the west sidewalk and Segura along the west side of the street.

Shortly thereafter, Officer Hegemier observed Lopez reach into the duffle bag and retrieve an object resembling a pistol. According to Officer Hegemier, "He reached into the bag, didn't expose it very hard. He took it out and rested it on top, and I could see that his hand was kind of -- you know, as he was -- his hand was wrapped around it and his finger was down the slide. I was able to see the top butt of a gun."<sup>28</sup>

Officer Clark observed Lopez holding a black object, which he believed to be a firearm. According to Officer Clark, "He had a blue duffle bag slung around his shoulder, and I could see the way he was holding a black object up against the dark blue duffle bag. It appeared to be a firearm and I believed it to be a firearm based on his -- his hands -- the light part of his hands on the black object."<sup>29</sup>

Officer Clark said Lopez was holding the firearm as if he were laying it down on a table. Officer Clark added, "Almost like his pointer finger was along the slide. That's what it looked like. Like he had his finger on the slide and holding the grip of the gun up on -- laying it -- resting it on top of the duffle bag."<sup>30</sup> According to Officer Clark, he communicated his observations with Officer Hegemier.

At approximately 1657:13 hours, Officer Hegemier communicated their observations with the team by broadcasting, "Point they're (Lopez and Segura) past us. Anybody north be advised the heavy-set male Hispanic with the grey shirt and the backpack on his right side, about 80-percent sure he's got a pistol in his hand, got his head on a swivel just keeping his hand in the bag. It's on top of the bag right now, so just use caution."

[...]

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<sup>27</sup> Hegemier, Page 19, Lines 16-18.

<sup>28</sup> *Id.*, Page 20, Lines 3-8.

<sup>29</sup> Clark, Page 17, Lines 15-21.

<sup>30</sup> *Id.*, Pages 17-18, Lines 25-3.

**Note:** According to Officer Garcia, Officer Hegemier broadcast that Lopez was holding the handgun in his right hand. A review of City-Wide, Tac-5, Channel 47 frequency determined that Officer Hegemier did not specify which hand the gun was in.

Officer Rodriguez then made a broadcast advising that Lopez had bumped into his vehicle earlier. Officer Hegemier replied, "Rog, they checked us out about an hour ago when they came down. More so checked out the van, they can't see in but, he's definitely got the pistol out of the bag though."

**Note:** Officer Garcia believed it was Officer Clark that put out the broadcast indicating that Lopez bumped into his vehicle.

After broadcasting the aforementioned information, Officer Hegemier took an additional photograph of Lopez and Segura with his cellular phone.

Officers Purece and Tudor heard the broadcasts initiated by Officers Hegemier and Rodriguez. According to Officer Purece, "My partner and I, obviously, recognize the fact that, hey, we possibly have an armed suspect within our perimeter. Prior to this incident and during all our incidents, we have made it very clear that we don't want to have uniformed chase start rolling into something like that unless specifically directed to do so. It is the case agent's call or the supervisor's call to bring us in at that point."<sup>31</sup> Officers Purece and Tudor remained in place, awaiting direction from Sergeant Kim and/or Officer Rodriguez.

Officers Garcia and Estrada were still positioned on Laurel Avenue north of Beaty Avenue. Officer Estrada was seated in the driver's seat and Officer Garcia was sitting in the front passenger seat. They also heard the broadcasts initiated by Officers Hegemier and Rodriguez and were aware that Lopez and Segura were walking in their direction.

According to Officer Estrada, he put on his glasses and looked toward the south. At that time, Officer Estrada observed Lopez and Segura walking north on Laurel Avenue; Lopez on the west sidewalk and Segura in the street. According to Officer Garcia, he raised up in his seat and also observed Lopez and Segura approaching. Both officers communicated their observations with one another.

**Note:** Officer Garcia estimated that approximately 10-15 seconds elapsed, from the moment Officer Hegemire broadcast the information about the handgun, until he observed Lopez and Segura walking in their direction. According to Officer Garcia, after hearing the broadcast about the handgun, he considered donning his tactical vest; however, believed he

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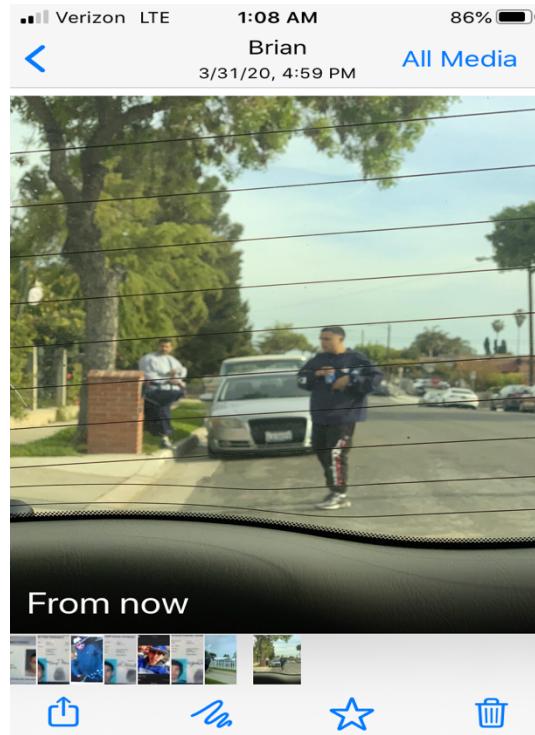
<sup>31</sup> Purece, Page 22, Lines 7-14.

did not have enough time to exit his vehicle and retrieve his vest from the truck without being exposed to and detected by the suspects.

According to Officer Estrada, he did not consider donning his ballistic vest because he did not intend to engage in any enforcement activity with Lopez. Instead, his intentions were to conceal himself inside of the vehicle to avoid detection. In addition, Officer Estrada believed that if he started moving within the vehicle, in order to don his ballistic vest, the movement could have been detected by Lopez and potentially compromise their investigation.

At approximately 1657:53 hours, Officer Estrada broadcast to the team that he had a visual of Lopez and Segura. Officer Estrada asked if the male with the white shirt (Lopez) was holding the bag. Officer Hegemier replied, *“Heavyset, grey bag”* and advised he would send a photograph of the suspects. Officer Estrada advised the team that Lopez and Segura were still walking north. Officer Garcia noted that Segura was holding a beverage in his right hand.

Officer Hegemier sent the second photograph of Lopez and Segura to the team via the WhatsApp Messenger. The following image depicts the second photograph taken by Officer Hegemier.



According to Officer Estrada, as Lopez and Segura neared their location, he noted that Lopez was carrying a *gym bag* over his left shoulder, with the storage compartment

against his right hip. According to Officer Estrada, Lopez and Segura repeatedly looked over their shoulders and appeared to be nervous.

**Note:** Officer Garcia believed Lopez was carrying the bag over his right shoulder. An analysis of the video evidence determined that strap was slung over Lopez' left shoulder.

As Lopez and Segura approached Beaty Avenue, they walked in an easterly direction across Laurel Avenue. They continued walking north on Laurel Avenue; Lopez on the east sidewalk and Segura in the roadway, along the east side of the street. Officer Estrada broadcast to the team, advising that Lopez and Segura continued walking north, from Beaty Avenue.

**Note:** According to Officer Estrada, he also broadcast that Lopez and Segura crossed over to the east side of the street. A review of City-Wide, Tac-5, Channel 47 frequency determined that a portion of his broadcast was unintelligible and did not capture that additional information.

According to Officer Estrada, due to a combination of Lopez and Segura's actions, combined with the information provided by Officer Hegemier, indicating that Lopez was armed with a gun, Officer Estrada believed the situation could escalate to the use of deadly force. Therefore, he unholstered his pistol with his right hand and placed it onto his lap/right leg while still seated in his vehicle. According to Officer Estrada, as he did so, his index finger was along the frame of his pistol and the muzzle was facing in a southeasterly direction; toward the steering wheel.

Officer Estrada reclined the driver's seat as far as he could, in an attempt to prevent Lopez and Segura from seeing him in the vehicle.<sup>32</sup> As Lopez and Segura neared their location, Officer Estrada ducked his head down and briefly lost sight of Lopez and Segura. According to Officer Estrada, *"My hopes were that they would continue walking northbound. They wouldn't see us and they -- they'd be gone."*<sup>33</sup>

As Lopez and Segura continued walking north, they were slightly offset. Segura walked a few yards ahead (north) of Lopez.<sup>34</sup> According to Officer Garcia, Segura looked forward as he walked and his body appeared to be rigid and stiff. In contrast, Officer Garcia noted that Lopez appeared to be very nervous. As he walked, Lopez was looking around and over both shoulders. Officer Garcia observed Segura's lips moving and opined that he and Lopez were communicating with one another. However, the

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<sup>32</sup> According to Officer Estrada, he had previously adjusted the steering wheel and driver's seat at the start of their operation. In doing so, he raised the steering wheel and moved the driver's seat backward.

<sup>33</sup> Estrada, First Interview, Page 17, Lines 19-21.

<sup>34</sup> Officer Garcia estimated that Segura was walking approximately five yards ahead of Segura.

officers' windows were rolled up and Officer Garcia was unable to hear any conversation between Lopez and Segura.

According to Officer Garcia, he advised his partner to watch Lopez, because he (Lopez) was sweating a lot.<sup>35</sup> Officer Garcia reclined his seat halfway and *slouched* back in his seat, in an effort to conceal himself.

**Note:** According to Officer Garcia, Officer Estrada broadcast to the team, "*Hey, this guy (Lopez) is nervous. He's looking around. He's looking around over his shoulder.*"<sup>36</sup> The aforementioned broadcast was not captured on City-Wide, Tac-5, Channel 47 frequency.

Lopez and Segura passed Officers Estrada and Garcia's location, causing the officers to believe their presence was not detected. According to Officer Estrada, as Lopez and Segura walked past them, he continued to hold his pistol on his lap, with the muzzle pointed toward the steering wheel, in a southeasterly direction.

According to Officer Garcia, "*We intended to plan on either having our uniformed chase do the investigative stop or broadcasting over our -- our base to Communications to generate a radio call for Sheriff's to initiate a stop.*"<sup>37</sup> Officer Estrada looked over his left shoulder and out of the driver's side rear passenger window. As he did so, he observed Lopez look over his left shoulder in their direction and begin squinting his eyes, as if he were trying to get a better look at something.

As captured by security video, Segura continued walking in a northerly direction, while Lopez abruptly stopped, turned around and began walking south on the east sidewalk of Laurel Avenue.

As captured on security video, Lopez then walked down the driveway of 11710 Laurel Avenue and began walking in a southwesterly direction toward Officers Estrada and Garcia, who were still seated in their vehicle. Lopez' duffle bag was slung over his left shoulder, with the storage compartment near the right side of his body/abdomen area. Lopez' left arm was along his side, while his right arm was bent and appeared to be resting on top of the duffle bag.

According to Officer Garcia, as Lopez stepped into the street, he reached into the side pocket of his duffle bag with his right hand. Officer Garcia observed Lopez making *furtive movements*, as if he were going to retrieve an item from the bag. Based on the previous information provided by Officer Hegemier, Officer Garcia believed Lopez was reaching for a firearm.

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<sup>35</sup> During Officer Garcia's interview, he referred to Lopez as the "fat guy" due to his stature.

<sup>36</sup> Garcia, First Interview, Page 22, Lines 15-17.

<sup>37</sup> *Id.*, Page 82, Lines 8-11.

As Lopez approached Officer Estrada, he observed a bulge in Lopez' front waistband area. According to Officer Estrada, he advised Officer Garcia that Lopez was approaching them. Officer Garcia then indicated that they had been compromised. According to Officer Garcia, he directed his partner to request the chase unit.

According to Officer Estrada, as Lopez neared the middle of the street, he broadcast to the team, *“Hey guys, I think he’s -- he made us. He’s -- he’s walking up to us. Compromised.”*<sup>38</sup>

**Note:** Officer Garcia heard Officer Estrada make the aforementioned broadcast; although, it was not captured on City-Wide, Tac-5, Channel 47 frequency. However, there was an unintelligible broadcast at approximately 1700:43 hours.

As Lopez neared their location, Officer Garcia leaned back in his seat and observed Lopez remove a blue steel handgun from the duffle bag with his right hand. According to Officer Garcia, *“His (Lopez’) elbow’s up and I see him. I see the serrated edges of the slide and then I see him holding the butt of the handgun.”*<sup>39</sup> According to Officer Garcia, he informed his partner that Lopez was armed with a gun.

**Note:** According to Officer Estrada, as Lopez approached them, he lifted up his shirt exposing his abdomen. At that time, Officer Estrada observed what he believed to be a black semi-automatic handgun in Lopez' waistband area.

A review of security video determined that Lopez did not lift his shirt as he walked toward Officers Garcia and Estrada.

The following still photograph was captured from the security video recovered from 11703 Laurel Avenue. It depicts Lopez holding a dark object in his right hand, as he approached Officers Estrada and Garcia.

[This space has intentionally been left blank.]

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<sup>38</sup> Estrada, First Interview, Page 20, Lines 19-20.

<sup>39</sup> Garcia, First Interview, Page 25, Lines 22-24.



While seated in the vehicle, Officer Garcia grabbed the left side of his t-shirt, using his right hand and uncovered his pistol. Officer Garcia believed his life and the life of Officer Estrada were in eminent danger, so he unholstered his pistol with his left hand and held it in a close contact position, with his index finger along the slide. Officer Garcia opened the passenger side door with his right hand and exited the vehicle. According to Officer Garcia, *"I knew he (Lopez) was closing the distance. I knew I had to exit the vehicle and get out of that danger -- get out of that kill zone."*<sup>40</sup>

**Note:** According to Officer Estrada, by the time he realized Lopez was coming toward them, he had already stepped off of the curb and onto the street. Officer Estrada indicated there was not enough time for him to drive away from the location.

Upon exiting the vehicle, Officer Garcia squatted down and moved toward the rear bumper of their vehicle. As he did so, Officer Garcia held his pistol in his left hand, in a close contact position and used right hand to brace himself against their vehicle, as a third point of contact. Officer Garcia peeked over his vehicle and observed Lopez

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<sup>40</sup> *Id.*, Page 27, Lines 6-8.

nearing the middle of Laurel Avenue. According to Officer Garcia, Officer Estrada was still seated in the vehicle.

**Note:** According to Officer Garcia, in order to provide cover for Officer Estrada, he moved forward and positioned himself near the driver's side rear bumper of their vehicle. However, a review of security video determined he remained behind the right rear portion of the vehicle.

According to Officer Estrada, *"And I felt that based on my positioning, being inside the vehicle with the windows rolled up it was -- my seat reclined all the way back, you know, me not having -- my -- my vest on me, the -- the tools that I had available to me and -- and my belief that, you know, he was armed with a -- with a handgun, I felt that he was going to, you know, possibly rob us or shoot us, produce a handgun. He was going to do something to us."*<sup>41</sup> Therefore, Officer Estrada decided to exit the vehicle.

Officer Estrada opened the driver's side door with his left hand, while holding his pistol in his right hand. As he prepared to exit the vehicle, Officer Estrada observed Officer Garcia exit the passenger side of their vehicle. As Officer Estrada stepped out of the vehicle, he inadvertently dropped his police radio onto the ground.

According to Officer Estrada, upon exiting he said, *"Police"* while holding his pistol in his right hand, in a low-ready position. Officer Estrada believed that his badge, that was affixed to the front left side of his belt, was visible to Lopez. Officer Estrada observed Lopez' eyes get very wide and indicated that he appeared to be surprised.

**Note:** Subsequent to the OIS, photographs were taken of Officer Estrada in the attire he was wearing at the time of the incident. In the photographs, Officer Estrada's badge was not visible when his shirt was untucked.

According to Officer Estrada, Lopez, using his right hand, grabbed the grip of the handgun and began pulling it out of his waistband area. However, a review of the security video determined that Lopez did not remove anything from his waistband.

According to Officer Estrada, *"At that time, I was in fear for my life, in fear for my partner's life, and I felt that I was going to -- going to employ deadly force on him to protect myself and my partner from the immediate threat of death or serious bodily injury because I thought he was going to shoot us -- shoot me or shoot my partner."*<sup>42</sup> Officer Estrada transitioned his pistol into a two-hand shooting position and pointed the muzzle toward Lopez. According to Officer Estrada, he disengaged the thumb safety,

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<sup>41</sup> Estrada, First Interview, Pages 20-21, Lines 23-5.

<sup>42</sup> *Id.*, Pages 21-22, Lines 24-4.

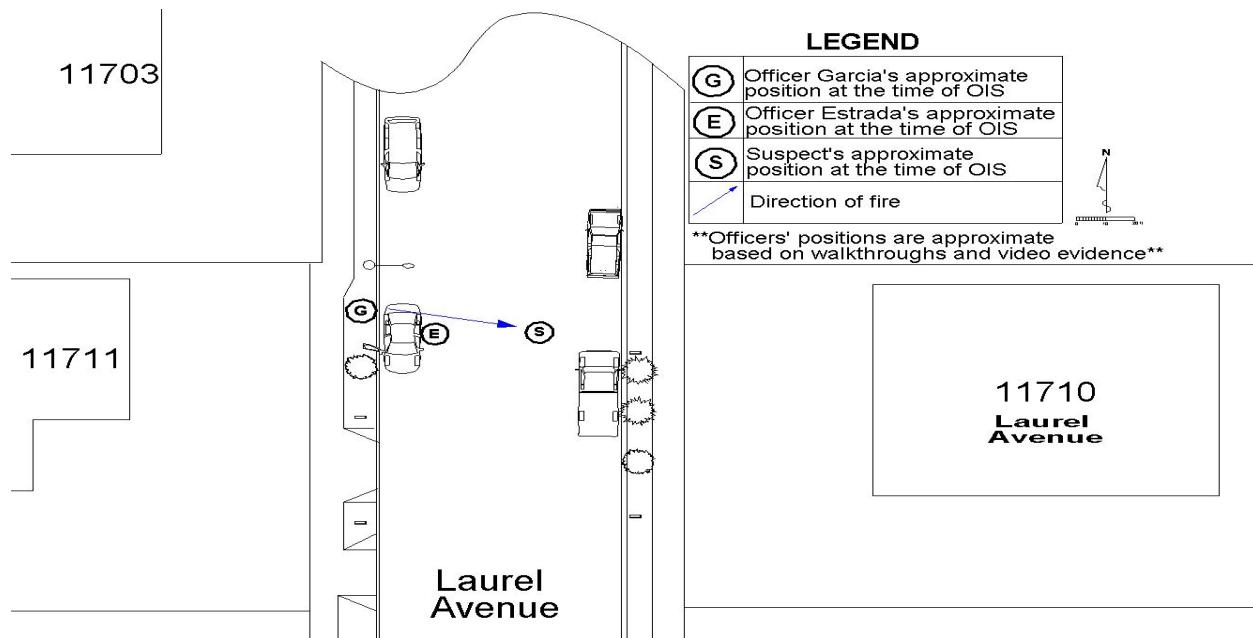
placed his finger on the trigger, removed the slack from the trigger and began focusing on his front sight; which was pointed toward Lopez.

According to Officer Garcia, Lopez appeared to be looking in Officer Estrada's direction and slowly raised his handgun; pointing it toward Officer Estrada. Officer Garcia held his pistol in a low-ready shooting position, with his index finger along the slide and his thumb on the safety. Officer Garcia yelled, "Stop! Police! Hands up!" Lopez did not comply with the commands, nor did he acknowledge Officer Garcia or look in his direction. According to Officer Garcia, "*He ignores my commands and I saw -- I saw that look on his eyes. It was just a straight just dead stare towards the direction of where my partner was seated. At that -- at that moment, I knew that the situation was going to lead to a -- a use of deadly force.*"<sup>43</sup>

**Note:** According to Officer Garcia, his badge was clipped to his left front pant pocket at the time of the incident and was visible, even with his shirt untucked.

Subsequent to the OIS, photographs were taken of Officer Garcia in the attire he was wearing at the time of the incident. In the photographs, Officer Garcia's badge was clearly visible.

Officer Garcia, believing Lopez was going to shoot and kill his partner, and potentially himself as well, pointed his pistol at Lopez, disengaged the safety and fired one round in an easterly direction from a distance of approximately 29 feet. The following diagram depicts the officers' and Lopez' approximate positions at the time of the OIS.



<sup>43</sup> Garcia, First Interview, Page 29, Lines 20-25.

**Note:** According to Officer Garcia, at the time of the OIS, there were parked vehicles in Lopez' background. Behind the parked vehicles were residences. Officer Garcia did not observe any citizens in Lopez' background at the time of the OIS.

Witness Denise Rodriguez believed Officer Estrada fired the round. According to Witness Rodriguez, Officer Garcia exited the passenger side of the vehicle subsequent to the OIS. The investigation determined that Witness Rodriguez' recollection was inaccurate.

As captured on security video, Segura was approximately two properties north of Lopez when the OIS occurred. Following the OIS, Segura looked in a southerly direction, stopped briefly, then continued walking in a northerly direction.<sup>44</sup>

Officer Estrada heard one gunshot, coming from his left side, and opined that Officer Garcia had fired his pistol. Officer Estrada lowered his pistol into a low-ready position and assessed the situation, to determine if Lopez was injured as a result of the OIS and what his (Lopez') subsequent actions were.

As captured on security video, Lopez abruptly stopped as he neared the middle of Laurel Avenue. Lopez then turned toward his right and side stepped toward the east curb of Laurel Avenue, while looking in Officers Estrada and Garcia's direction. The following still photograph was captured from the security video recovered from 11703 Laurel Avenue, depicting Lopez holding a dark object in his right hand as he moved toward Laurel Avenue.



<sup>44</sup> Gleaned from the security video obtained from 11703 Laurel Avenue, Channel No. 1.

Lopez then turned away from the officers and ran toward the east side of Laurel Avenue. Lopez fell facedown onto the parkway in front of 11710 Laurel Avenue, just east of a grey pick-up truck.

**Note:** Officer Estrada believed Lopez turned toward his left following the OIS. A review of the security video determined that Lopez turned toward his right.

As captured on security video, when Lopez fell his head was facing in a southerly direction and his feet were facing toward the north. Lopez appeared to be making a kicking motion with both of his feet.

[...]

According to Officer Estrada, Officer Garcia stated, “*Partner, he’s got a gun.*” Officer Estrada wanted to broadcast a help call; however, was unable to locate his radio on the ground. Officer Estrada was unable to see Lopez from his position, but believed he was hiding somewhere behind the rear wheel well of the truck. Officer Estrada, cognizant that Officer Garcia’s was positioned to his left (north), decided to remain in his current position to avoid a potential crossfire situation.

Officer Estrada looked toward the north and observed Segura walking briskly in a northerly direction and determined that he was no longer a threat. Officer Estrada, still concerned about broadcasting the information to the team, continued looking for his radio. He was unable to locate it. Officer Estrada then made the decision to stop looking for his radio and focus solely on Lopez.<sup>45</sup>

According to Officer Garcia, Lopez lifted his head off of the grass and began yelling at him, stating, “*You fucking shot me. It was a cell phone. You guys fucked up.*”<sup>46</sup> Officer Garcia ordered Lopez to put his face onto the ground and directed him not to move. According to Officer Garcia, Lopez continued looking in his direction and he was unable to see Lopez’ hands from his position. Therefore, Officer Garcia redeployed toward the front passenger side bumper of their vehicle. According to Officer Garcia, he transitioned his pistol into a close contact position and retrieved his radio with his right hand.

At approximately 1700:53 hours, Officer Garcia broadcast a help call, advising that shots had been fired. Officer Garcia advised the responding officers to drive north from the target location (11930 Laurel Avenue) and that they were north of Beaty Avenue.

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<sup>45</sup> At the conclusion of the incident, Officer Estrada located his radio and recovered it from underneath his police vehicle.

<sup>46</sup> Garcia, First Interview, Page 32, Lines 21-22.

**Note:** The investigation determined that approximately three minutes and 40 seconds elapsed from Officer Hegemier's first broadcast about Lopez potentially being armed with a gun to the help call.

Due to the fact that the security video that captured the OIS did not contain audio, coupled with the inaccurate timestamps on the security video, investigators were unable to determine the exact time of the OIS.<sup>47</sup>

The rest of the CIT officers heard the help call and began driving toward the OIS scene. Officer Tudor activated their emergency lights and siren during their response.

**Note:** According to Officer Purece, he did not don his seatbelt due to their close proximity to the location and anticipation that he may have to exit the vehicle quickly to apprehend the fleeing suspect.

According to Officer Tudor, she made a tactical decision not to don her seatbelt; as she was focused on driving in an area that was unfamiliar to her.

Communications Division (CD) acknowledged the help call and requested they repeat the location. Sergeant Kim advised CD the location was Meyer Road and Beaty Avenue and requested CD notify the LASD.

**Note:** The actual location of the OIS was 11711 Laurel Avenue.

Officer Garcia knew Lopez was behind the truck; however, was unable to see him from a standing position. Therefore, Officer Garcia laid down in a prone position on the parkway near the front bumper of his vehicle, enabling him to see Lopez underneath the truck. Officer Garcia was able to see the bottom half of Lopez' torso, as well as his legs and feet. From the prone position, Officer Garcia pointed his pistol in Lopez' direction.

The security video captured Lopez continuously moving on the ground, just east of the grey truck. Lopez then repositioned his body, moving his head toward the west and his feet toward the east. Lopez appeared to look around the front bumper of the truck in the officers' direction, then crawled in a southerly direction, concealing himself behind the front passenger side wheel well of the truck.

As captured by security video, Officer Estrada, walked backward in a northerly direction. As he did so, he held his pistol in a two-hand shooting position, with the muzzle pointed toward Lopez. As Officer Estrada was redeploying, Lopez repositioned his body once again. While remaining on his stomach, Lopez moved his body in a northerly direction, exposing his head and a portion of his upper body to Officer Estrada. His lower body was still concealed by the truck.

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<sup>47</sup> The security video that captured the OIS was obtained from 11703 Laurel Avenue.

**Note:** Officer Estrada had no recollection of redeploying to the north.

According to Officer Estrada, he observed Lopez' face and ordered him to, "*Let me see your hands. Let me see your hands.*" Lopez complied, placing both of his hands onto the ground, in front of his body. According to Officer Estrada, he could see both of Estrada's *[sic]* hands and determined that he was no longer holding the handgun. Officer Estrada ordered Lopez not to move.

**OIG Note No. 2:** *According to Officer Estrada, he could see both of Lopez's hands at this point during the incident.*

While waiting for additional resources to arrive at scene, Officer Estrada transitioned into a one-hand shooting position, holding his pistol in his right hand and unclipped his badge from his left hip area with his left hand. He held up the badge, allowing Lopez to view it.<sup>48</sup> According to Officer Estrada, Lopez responded by stating, "*Okay. Don't shoot. You got me.*" Officer Estrada continued giving commands to Lopez, ordering him to stop looking at him, to place his forehead onto the ground and to not reach for anything. Lopez did not comply with the commands; instead, he continued looking in Officer Estrada's direction.

Officer Rodriguez was the first officer to arrive at scene. Upon his arrival, he observed Lopez on the east side of Laurel Avenue, lying on the ground, between the sidewalk and the truck. Officer Rodriguez stopped his vehicle in the street, south of the truck, facing in a northeasterly direction. His vehicle was partially blocking the northbound lane of traffic. Prior to exiting the vehicle, Officer Rodriguez donned his ballistic vest.

As Officer Rodriguez exited the vehicle, he retrieved and unholstered his 1911 pistol. According to Officer Rodriguez, he unholstered his pistol because he believed the situation could result in serious bodily injury or death. Officer Rodriguez held his pistol in a two-hand, low-ready position with his index finger along the frame.

**Note:** Unbeknownst to Officer Rodriguez, he inadvertently dropped his holster in the street after drawing his pistol.

Upon exiting the vehicle, Officer Rodriguez initially utilized his driver's side door as cover. Due to the fact he could not see both of Lopez' hands, Officer Rodriguez redeployed further north, between his vehicle and the grey truck, seeking cover behind the tailgate of the truck. According to Officer Rodriguez, he pointed his pistol in a northerly direction, toward Lopez, identified himself as a police officer and ordered him, "*Let me see your hands.*"

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<sup>48</sup> The security video recovered from 11703 Laurel Avenue, Channel 2, captured Officer Estrada reach toward his left front waistband area, where his badge was affixed. Officer Estrada then raised his left arm for approximately ten seconds, before reaching toward his left front waistband area a second time. The timestamp on the security video depicted a time of 0504:58 hours; however, the investigation determined the actual time was approximately 0501:28 (1701:28).

As Officer Rodriguez redeployed toward the rear of the truck, Officer Estrada walked in a westerly direction, toward the rear of his vehicle. Officer Garcia stood up and joined Officer Estrada behind their vehicle.

Meanwhile, Officers Clark and Hegemier were responding to the scene. Officer Clark drove, while Officer Hegemier remained in the rear compartment of their vehicle and donned his tactical ballistic vest. According to Officer Clark, while they were en route, Officer Hegemier advised him that he was going to deploy his rifle and be the designated cover officer. According to Officer Hegemier, "I felt -- based on the situation, there was just an officer involved shooting. I didn't know if the guy was barricaded. I don't know if he was hiding behind a car. I didn't know if he had run into a house. I figured that we'd have the tactical advantage by deploying at least one long gun on the situation."<sup>49</sup>

As Officers Hegemier and Clark approached the scene, Officer Clark observed Officers Garcia and Estrada with their pistols drawn. Officer Hegemier observed Officer Rodriguez standing behind the truck with his pistol drawn. Officer Clark parked his vehicle in the street, diagonally, facing in a northeasterly direction. According to Officer Clark, he parked his vehicle in this manner to enable him and his partner to utilize their vehicle doors as cover.

Officer Hegemier retrieved his rifle and exited the vehicle via the rear passenger side door. According to Officer Hegemier, he chambered a round into the rifle and slung it over his shoulder, using a two-point sling. Security video captured Officer Hegemier holding his rifle in a low-ready position as he moved toward the right rear portion of the grey truck. Officer Hegemier advised Officer Rodriguez that he was behind him and armed with a long gun. Officer Rodriguez acknowledged and relinquished point to Officer Hegemier.

**Note:** Officer Hegemier could not recall if he chambered the round into his rifle while inside of his police vehicle or upon exiting. Additionally, Officer Hegemier described his rifle position as "*port arms in a downward angle.*"

Officer Clark exited the vehicle and unholstered his pistol, which he held in a two-hand, low-ready shooting position. According to Officer Clark, he was aware that an OIS occurred and unholstered his pistol because he believed the situation could require deadly force to protect himself and the other officers at scene.

Officer Clark checked on Officers Estrada and Garcia, who were standing near the rear of their vehicle. According to Officer Clark, Officers Garcia and Estrada informed him that they were uninjured; however, Lopez was down behind the truck. Officer Clark then joined Officers Rodriguez and Hegemier behind the truck.

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<sup>49</sup> Hegemier, Page 24, Lines 14-20.

According to Officer Hegemier, Lopez was yelling and lying on his stomach near a mailbox. Lopez was moving his left arm/hand around and it was visible to Officer Hegemier. However, Lopez' right arm was tucked underneath his body and was not visible to the officers. According to Officer Hegemier, he gave commands to Lopez ordering him to, "Let me see your right arm. Let me see your right arm."

At approximately 1701:53 hours, Officer Garcia broadcast to Sergeant Kim and the responding units that they were going to take Lopez into custody. In addition, Officer Garcia advised that the second suspect (Segura) was running north on Laurel Avenue and wearing all blue. Officer Garcia then ran south on the west sidewalk of Laurel Avenue then crossed the street joining the officers behind the truck. As he ran across the street, security video captured Officer Garcia holding his pistol in his left hand, down along his left side. Security video also captured Officer Rodriguez yell, "Hey, get an RA (Rescue Ambulance) *en route*.<sup>50</sup>

**Note:** According to Officer Rodriguez, he yelled back to Officers Hegemier and Clark to request the RA as they arrived at scene. Officer Rodriguez advised he did not request an RA himself, since he was the point officer at the time. The investigation determined none of the officers requested an RA at this time.

According to Officer Clark, Lopez was lying on the ground and crying for help. Officer Clark heard Lopez say, "*I've been shot. Help me. Help me. I've been shot. They shot me.*" Officer Clark noted that Lopez was bleeding and opined that he had been struck by gunfire. Officer Clark was aware that Officer Hegemier was the designated cover officer (rifle) and that Officer Rodriguez had his pistol drawn. Therefore, Officer Clark holstered his pistol, went back to his vehicle and donned his tactical ballistic vest and a pair of protective gloves.

Shortly thereafter, Officers Trejo, Hoyos, Tudor and Purece arrived at scene. Officer Garcia directed them to continue driving north, in an attempt to locate Segura, which they did.

Meanwhile, Officers Bustamante and Muro drove toward the intersection of Meyer Road and Laurel Avenue to set up containment. Officers Muro and Bustamante observed an unidentified individual, matching Segura's description, run into an apartment building located at 13273 Meyer Road. Officer Muro broadcast his observations to the officers.

**Note:** Initially, Officer Muro broadcast that the suspect ran into 13273 Beaty Avenue. When Officer Muro realized the address was inaccurate, he broadcast the correct location.

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<sup>50</sup> Gleaned from the Ring security video, obtained from 11711 Laurel Avenue.

As Sergeant Kim responded to the OIS, he heard the broadcast regarding Segura continuing north. Sergeant Kim drove west on Meyer Road on his way to the OIS and briefly stopped in the area of Officers Bustamante and Muro (Investigators' Note No. 5).<sup>51</sup>

Officers Hegemier, Clark and Rodriguez formulated a tactical plan to approach Lopez and take him in to custody. Officer Hegemier was the point/Designated Cover Officer (DCO) armed with his rifle, and Officer Clark would handcuff Lopez. Officer Rodriguez had his pistol drawn, but according to Officer Hegemier, would assist in handcuffing if necessary. Additionally, the officers discussed incorporating less-lethal options into their plan; however, there were no devices immediately available.

**Note:** According to Officer Rodriguez, he had a TASER secured inside of his police vehicle.

According to Officer Garcia, he was also involved in the tactical planning. Officer Garcia indicated he and Officer Estrada would assist in handcuffing if necessary. Officer Garcia recalled Officer Clark being armed with the rifle and believed Officer Hegemier would handcuff Lopez.

According to Officer Clark, Lopez repeatedly yelled, "Help me!" Officer Clark added, "I knew it was important to render aid as quickly as possible as he was lying there bleeding. He had proned himself out. There was no -- we talked about it. We could not see the pistol anywhere near him. We felt it was safe to approach. So we approached the suspect and I took him into custody."<sup>52</sup>

At approximately 1704:45 hours, Officers Hegemier, Rodriguez and Clark approached Lopez, followed by Officers Garcia and Estrada.<sup>53</sup> According to Officer Clark, he placed his left knee on Lopez' back and pulled his right arm behind his back. Officer Clark then placed his right knee on Lopez' upper back and cuffed Lopez' right wrist with one set of handcuffs. Officer Clark then pulled Lopez' left arm behind his back and completed the handcuffing process. Due to Lopez' size, Officer Clark utilized two sets of handcuffs.

While Officer Clark began to search Lopez, security video captured Officer Hegemier use his left hand to remove the duffle bag from around Lopez' neck and placed it on the ground, away from Lopez. Officer Garcia then searched the contents of the duffle bag for the handgun. The handgun was not inside of the duffle bag; however, Officer Garcia indicated that the bag contained miscellaneous paperwork and personal items. After searching the bag, Officer Garcia placed it north of Lopez' location, on the driveway of 11710 Laurel Avenue.

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<sup>51</sup> At approximately 1703:05 hours, Sergeant Kim broadcast he was the Incident Commander.

<sup>52</sup> Clark, Page 21, Lines 5-11.

<sup>53</sup> The approach time was gleaned from the Ring security video, obtained from 11711 Laurel Avenue.

**Note:** Two glass narcotic pipes, a plastic baggie containing a plant material resembling marijuana and miscellaneous pills were subsequently recovered from Lopez' duffle bag. Photographs of the aforementioned evidence are stored under Control No. 0797475.<sup>54</sup>

Meanwhile, Officers Hoyos and Trejo had driven north on Laurel Avenue followed by Officers Tudor and Purece. They located and detained Segura in front of 11504 Laurel Avenue.<sup>55</sup> Officer Tudor handcuffed Segura and conducted a search of his person. No evidence and/or contraband was recovered from Segura. Officer Trejo broadcast to the team that Segura was in custody.

**Note:** The distance between the OIS scene and 11504 Laurel Avenue was approximately two blocks or 0.10 miles away.

As captured on Officer Purece's BWV, Officer Trejo did not don his tactical ballistic vest prior to exiting the vehicle and making contact with Segura.

Aware that a handgun was involved in the incident, Officer Tudor searched Segura's person, believing he was one of the suspects involved in the OIS. Additionally, she did not consider asking one of the male officers at scene to conduct the search of Segura's person.<sup>56</sup>

Upon hearing the broadcast that Segura was in custody, it was determined that the unidentified male was not involved in the OIS. Therefore, Sergeant Kim continued to drive south on Laurel Avenue toward the OIS scene.

At approximately 1704:09 hours, Sergeant Kim arrived at 11504 Laurel Avenue.<sup>57</sup> Sergeant Kim asked if Segura needed an ambulance and Officer Purece replied, "No." Sergeant Kim then responded to the OIS scene.

At approximately 1705:30 hours, Sergeant Kim requested a Rescue Ambulance (RA) for Lopez.

At approximately 1707:07 hours, as captured on BWV, Officer Purece arrived at the OIS scene. Upon his arrival, Officer Purece advised the officers at scene that Segura was in

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<sup>54</sup> The plant material resembling marijuana was not tested due to the LAPD Narcotic Analysis Unit's minimum filing/testing guidelines.

<sup>55</sup> Some of the officers unholstered their pistols at various times throughout the incident. Unless the officers were involved in the OIS or were part of the contact/arrest team of Lopez, the drawing and exhibiting of their firearms was not included as part of this report.

<sup>56</sup> Officer Purece's BWV captured him and Officer Hoyos standing in close proximity to Officer Tudor as she searched Segura.

<sup>57</sup> Sergeant Kim's arrival time was gleaned from Officer Purece's BWV.

custody and asked what they needed. Officer Clark advised Officer Purece that Lopez was very heavy, which prevented him from completing a search of his person.

**Note:** As captured on security video, Officer Clark left Lopez in the prone position upon the completion of his initial search. Lopez remained in this position for approximately one minute and 25 seconds, until Officer Purece responded and assisted with the search.

Officer Purece donned a pair of protective gloves and together, he and Officer Clark grabbed Lopez' left arm and rolled him onto his right side. Officer Purece proceeded to search the left side of Lopez' waistband area. Officer Clark lifted the front of Lopez' shirt, exposing a fanny pack that was strapped across his chest and concealed underneath his clothing. As captured on BWV, Officer Clark unzipped the fanny pack, briefly searched through the contents, then zipped the fanny pack.<sup>58</sup>

**Note:** According to Officer Clark, Lopez' fanny pack was partially unzipped when he located it. Officer Clark said he did not open the fanny pack, instead, he looked into the partially unzipped fanny pack to see if the pistol was inside.

A review of the Officer Purece's BWV determined that Officer Clark unzipped Lopez' fanny pack prior to searching it.

According to Officer Clark, he was unable to remove the fanny pack from Lopez' person due to Lopez being handcuffed. As captured on BWV, Officer Purece asked Officer Clark if he could pull the fanny pack off. When he was not able to do so, Officer Purece utilized a knife and cut the strap of the fanny pack and removed it from Lopez' person. The fanny pack was placed on the sidewalk, east of Lopez. Officer Purece rolled Lopez onto his stomach briefly as he continued the search of Lopez' person.

Meanwhile, Officer Estrada searched the immediate area for Lopez' handgun. Officer Estrada looked into the front passenger side wheel well of the truck and observed the handgun concealed within the front right suspension. Upon locating the handgun, Officer Estrada stated, "*There it is right there. There it is right there.*"<sup>59</sup> Officer Purece directed Officer Estrada to leave the handgun in its current position. Officer Estrada then stood in between the handgun and Lopez as Officer Purece continued his search of Lopez' person.

The following photograph depicts Lopez' handgun, as it was hidden within the front right suspension of the truck.

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<sup>58</sup> Gleaned from Officer Purece's BWV at approximately 1708:00 hours.

<sup>59</sup> Gleaned from Officer Purece's BWV at approximately 1708:39 hours.



Officers Purece and Clark rolled Lopez onto his left side and completed the search of his person. At the conclusion of the search, Lopez remained lying on his left side. As captured by BWV, Lopez immediately began making spontaneous statements regarding the handgun. Lopez admitted that the handgun belonged to him and indicated that he carried it for protection.

[...]

At approximately 1709:38 hours, Officer Purece asked the officers at scene who was involved. Officer Estrada advised that he and Officer Garcia were involved. Officer Purece directed Estrada to go stand with Sergeant Kim and directed Officer Clark to guard Lopez' firearm. Officer Estrada informed Sergeant Kim that his partner was involved in the OIS. Sergeant Kim then separated Officer Garcia from the other officers at scene.

As they waited for the RA to arrive at scene, Lopez was talking continuously and made multiple spontaneous statements regarding the OIS. As captured on BWV, Lopez claimed the officers pointed a gun at him through the window of their vehicle and he attempted to get away. Lopez denied pointing the handgun at the officers.

[...]

**Note:** According to Officer Estrada, he never pointed his pistol at Lopez while seated in his vehicle.

Officer Purece directed Officer Hegemier to contact the residents at 11710 Laurel Avenue and ensure that no one was injured inside of the location. And confirmed no injuries were reported.

At approximately 1717:38 hours, Los Angeles County Fire Department personnel (LACFD), Squad No. 20, staffed by Firefighter/Paramedics Matthew Encinas, Nicholas Vagts and Nathan Solorio arrived at scene and rendered aid to Lopez.<sup>60</sup>

CARE Ambulance Service, Unit No. L2308, staffed by Emergency Medical Technicians (EMTs) Ian Light and Brendan Light also responded to the location. Lopez was placed into the care of an ambulance in preparation for transportation to the hospital.

Prior to transporting Lopez to the hospital, fire department personnel requested Officer Purece remove Lopez' handcuffs. Officer Purece complied with their request. The handcuffs were replaced by soft restraints, applied by the ambulance personnel.<sup>61</sup> Officer Purece escorted Lopez as he was transported to the University of California Irvine (UCI) Medical Center by CARE Ambulance Service.

**Note:** The CARE Ambulance Service Incident Report indicated that the EMTs made patient contact at approximately 1715 hours. A review of the video evidence determined that Lopez was not approached by the LACFD and CARE Ambulance personnel until approximately 1717:39 hours.

During his transportation to the hospital, Lopez told Officer Purece, "I'm going to need a lawyer" multiple times.<sup>62</sup>

At approximately 1928 hours, Department Operations Center (DOC) was notified of the OIS and the details of the subsequent notifications are attached (Investigators' Note No. 6).

**Note:** The DOC log erroneously indicated that the OIS occurred at 1710 hours. However, the correct time was approximately 1701 hours.

Force Investigation Division (FID), Detective III Robert Solorza, Serial No. 27733, was the first representative from FID to arrive at scene at approximately 1920 hours.

Force Investigation Division, Detective II Alberto Rosa, Serial No. 26598, reviewed the documents regarding the separation, monitoring and admonition not to discuss the incident prior to being interviewed by FID investigators (Investigators' Note No. 7).

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<sup>60</sup> The arrival time of the RA was gleaned from Officer Purece's BWV.

<sup>61</sup> The restraints were applied by EMT Ian Light.

<sup>62</sup> Gleaned from Officer Purece's BWV at approximately 1743:58 hours.

## **Scene Description**

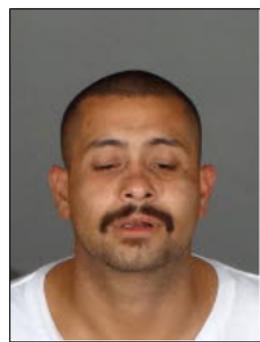
The OIS occurred on the street in front of 11711 Laurel Avenue, in the City of Whittier. Laurel Avenue was a north/south street that had one lane of traffic for each direction and parking along the east and west curbs. The surrounding area was residential and consisted primarily of single-family dwellings. The 11700 block of Laurel Avenue was bordered by Meyer Road to the north and Beaty Avenue to the south.

The incident occurred during the hours of daylight at approximately 1701 hours. The environmental conditions were dry with clear skies.

## **Canvass for Witnesses**

On March 31, 2020, Metropolitan Division and FID personnel conducted a canvass of the area for witnesses to the OIS. Unless otherwise noted, the statements of all witnesses were recorded, transcribed and are contained in this report. There were no heard only witnesses interviewed for this incident (Investigators' Note No. 8).

## **Suspect Information**



**Cesar Lopez** was a male Hispanic with black hair and brown eyes. At the time of the incident, Lopez was five feet, eight inches tall with a weight of 260 pounds and was 31 years old. His date of birth was November 2, 1988. Lopez was identified by Criminal Information Index (CII) No. A29108437 and had an extensive criminal history dating back to 2008. He had four prior felony and six prior misdemeanor convictions.

The investigation determined that Lopez had no prior contact with the LAPD's Mental Evaluation Unit (MEU).

In relation to this incident, an LAPD Investigative Report (IR) was completed for the crime of Assault with a Deadly Weapon on a Police Officer against Officer Estrada, naming Lopez as the suspect.

Force Investigation Division, Criminal Apprehension Team (CAT), Detective II Todd Waymire, Serial No. 34200, completed an Arrest Report for Lopez, booking him under California Penal Code (PC) Section 245 (D)(2) – Assault with a Deadly Weapon on a Police Officer.

On March 31, 2020, Force Investigation Division, CAT, Detectives II Jeffrey Martin, Serial No. 32877 and Francisco Alvelais, Serial No. 30865, responded to UCI Medical Center. According to Detectives Martin and Alvelais, they were unable to interview Lopez on the night of the incident due to medication he had been administered by medical staff. He was absentee booked at Metropolitan Detention Center.

On April 2, 2020, Detective Waymire presented this case to the Los Angeles County District Attorney's Office for filing consideration. Deputy District Attorney Tracy M. Sims filed one felony count against Lopez for Assault with a Deadly Weapon on a Police Officer, 245 (D)(2) PC, and one count of Felon in Possession of a Firearm, 29800(A)(1) PC.

LAPD Follow-Up Investigation Report was completed with a disposition of Cleared by Arrest.

On September 9, 2020, the Preliminary Hearing was held at the Norwalk Criminal Court Building, Department No. M. Lopez was held to answer for 29800 (A)(1) PC – Felon in Possession of a Firearm. The count for 245(D)(2) PC – Assault with a Deadly Weapon on a Police Officer was dismissed.

As of the date of this report, the case against Lopez is still pending jury trial.

### **Injuries**

At approximately 1710 hours, LACFD Squad 20, received an alarm to respond to the intersection of Beaty Avenue and Laurel Avenue in the city of Whittier. They arrived at scene and rendered aid to Lopez at approximately 1717:39 hours.

Lopez was transported to UCI Medical Center by CARE Ambulance Service, where he was treated by Doctor Alliya Qazi for a gunshot wound to his left abdomen.

While at the hospital, medical staff recovered a plastic bag containing methamphetamine from Lopez' right sock and relinquished it to Officer Purece (Item No. 30).

On October 6, 2020, Detective Waymire authored a search warrant for Lopez' medical records. The search warrant was signed by the Honorable Judge Terry A. Bork, of the Superior Court of California, County of Los Angeles, Central District, Department No. 128.

On October 7, 2020, the search warrant was served at UCI Medical Center and Lopez' medical records were obtained. The search warrant was returned on October 13, 2020 and assigned Search Warrant No. CC2020-89038.

A review of Lopez' medical records revealed that Lopez retained a ballistic fragment in his left paramedian ventral wall. According to the UCI Medical Center Pathology Department, the fragment was not removed from Lopez.

Officer Garcia sustained minor abrasions to his right elbow and right knee during the incident.

## **Evidence**

On March 31, 2020 at approximately 2345 hours, Forensic Science Division (FSD), Firearms Analysis Unit (FAU), Criminalists II Matthew Saucedo, Serial No. N4688, Stephanie Tan, Serial No. N4626 and Supervising Criminalist Jessica Moody, Serial No. N4576, responded to the scene. They conducted an analysis of the OIS scene for evidence including, but not limited to ballistic impacts, trajectories, projectiles and forensic evidence.

As a result of their examination, multiple items of evidence were recovered and booked under DR No. 2099-13713. Included in those items were a .380 caliber semiautomatic pistol, .380 caliber ammunition, a .45 caliber discharged cartridge case, miscellaneous clothing and narcotics.

There were a total of 40 items of evidence booked in conjunction with this incident.

The .380 caliber semiautomatic pistol, as well as the magazine and ammunition recovered within it were swabbed for potential forensic evidence.

On April 27, 2020, Technical Investigation Division (TID), Forensic Print Specialist III Maria Brion, Serial No. G8280, completed an examination and analysis of Lopez' pistol, the magazine and two .380 Auto cartridges for prints. No latent prints were developed on the aforementioned items.

On May 14, 2020, Detective Rosa completed a request for Serology/Deoxyribonucleic Acid (DNA) Analysis Report, Form No. 12.56.00. Detective Rosa requested that the swabs collected from the pistol (Item No. 31), the magazine (Item No. 32), and two cartridges (Item Nos. 33 and 34) be swabbed for potential biological evidence. It was further requested that the swabs be compared to Lopez' buccal swab.

The laboratory report was finalized on July 7, 2020. Forensic Science Division, Criminalist II Heather Simpson, Serial No. N4531, examined the swabs collected from the pistol (Item No. 31), the magazine (Item No. 32), and two cartridges (Item Nos. 33 and 34) for potential DNA evidence. A DNA profile was obtained from Lopez' buccal swab; however, due to the complexity of the DNA data obtained from the pistol and magazine, the results were unsuitable for interpretation.

The amount of DNA obtained from the cartridges was insufficient; therefore, did not proceed to Short Tandem Repeats (STR) analysis.

On June 5, 2020, FSD, Criminalist II King Chow, Serial No. N4578, tested the narcotics recovered from Lopez' person at the hospital (Item No. 30). The results were positive for methamphetamine.

According to FSD, Narcotics Analysis Unit (NAU) Supervising Criminalist Guy J. Holloman III, Serial No. N1959, the plastic baggie containing the green plant material

(Item No. 27) was not analyzed, because it did not meet the minimum testing requirements. The NAU will not test plant material (cannabis) unless the quantity/weight is over 28.5 grams. The weight of Item No. 27 was only 6.33 grams.

## Weapons



Cesar Lopez was armed with a blue-steel, 380 Auto caliber, Lorcin, Model L380, semiautomatic pistol. The pistol had black plastic grips and a barrel length of approximately 3 1/2 inches.

The pistol was recovered from the front right suspension of a gray Toyota Tundra, California License Plate No. 40388P2, that was parked in front of 11710 Laurel Avenue.

At the time of the recovery, the pistol was lying on its right side with the muzzle pointed west and the magazine fully inserted. The firearm was cocked and the safety was off. The pistol was loaded with one round in the chamber and one round in the magazine.

Per the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center, Lopez' pistol was purchased by an individual named Mark V. Arnett on September 20, 1994. At the time of the purchase, Mr. Arnett indicated that he resided at an address in New Orleans, Louisiana. The pistol was not reported stolen at the time of this incident (Investigators Note No. 9).

Officer Garcia was armed with a Department-approved .45 caliber, Springfield, Model TRP-Operator semiautomatic pistol. The pistol was carried in a Department-approved single retention duty holster. According to Officer Garcia, at the time of the OIS, his pistol was loaded to capacity with nine rounds of Department-approved ammunition. Eight rounds were in the magazine and one round was in the chamber.

On April 1, 2020, FID, Detective II Jose Robledo, Serial No. 34492, conducted a post-incident examination of Officer Garcia's pistol. Detective Robledo determined that the pistol was loaded with one round in the chamber and seven rounds in the magazine with Department approved, ACP Federal Premium 45 Auto, 230 grain ammunition.

Detective Robledo also inspected an additional magazine that was carried on Officer Garcia's person. The additional magazine was loaded to capacity, with 10 rounds of Department approved, ACP Federal Premium 45 Auto, 230 grain ammunition. The results of the magazine count were consistent with Officer Garcia firing one round during the OIS.

On April 3, 2020, Criminalist II Dyna Shirasaki, Serial No. N4504, examined and test-fired Officer Garcia's pistol. The pistol's measured trigger pull was within Department specifications.

On May 15, 2020, Criminalist Shirasaki examined and test-fired Lopez' pistol, utilizing laboratory ammunition. Criminalist Shirasaki concluded that Lopez' pistol was functional.

Detective Rosa verified that Officer Garcia's .45 caliber, Springfield, Model TRP-Operator semiautomatic pistol was entered into the Firearm Inventory Tracking System (FITS) on October 17, 2019.

## **Firearms Analysis**

On March 31, 2020, Criminalists Saucedo, Tan and Moody performed a bullet path analysis examination of the vicinity of the crime scene pursuant to the OIS. No impacts were identified.

## **Visual Documentation**

### **Digital In-Car Video System (DICVS)**

No police vehicles equipped with DICVS responded to this incident.

### **Body Worn Video (BWV)**

There were two police officers who activated their BWV at some point during this incident. Both videos were reviewed in their entirety by FID investigators. Both videos were recorded post OIS and did not capture the Categorical Use of Force. The following is a synopsis of the aforementioned BWVs that had significant evidentiary value:

- Officer Purece's BWV captured their response to the scene as well as the detention of Segura. In addition, it captured Lopez' transportation to the hospital as well as multiple spontaneous statements made by Lopez following the OIS.
- Officer Tudor's BWV captured her speaking with Segura and obtaining information for a Field Interview Card (FI Card).

Those BWVs have been tagged in Evidence.com under FID Case No. F011-20 (Investigators' Note No. 10).

## **Social Media**

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information, or witnesses were identified via social media.

## **Other Department Video**

None.

## **Outside Video**

Force Investigation Division investigators identified and obtained the below listed outside videos.

The videos were filed under the following Technical Investigation Division (TID) Nos:

- 729459 – Eight Ring security video clips were recovered from the residence located at 11711 Laurel Avenue. At the time of the incident, the Ring video was motion activated and contained audio. None the video clips captured the OIS and/or the moments preceding it.
- 752460 – Security video was obtained from the residence located at 11703 Laurel Avenue. The video was recorded by two cameras that were affixed to the east wall of the residence; one camera on the north side (Channel No. 1) and one on the south side (Channel No. 2). Both cameras recorded portions of the OIS, as well as the moments preceding and following the incident. These videos did not contain audio.
- 729458 – Witness Yarazeth Cordoba provided investigators with three Snapchat video clips. All three clips were recorded post incident and did not capture the OIS and/or moments preceding it.

## **Photographs**

Technical Investigation Division Photographer III Andrew Millet, Serial No. N3782, responded to the scene. Photographs of the OIS scene and associated evidence are stored under Control Nos. 0797474 and 0797475.

Photographer III Gregory Baker, Serial No. N5831 took additional photographs of evidence, and they are stored under Control No. 0797522.

## **Notifications**

On March 31, 2020, at approximately 1928 hours, the DOC was notified of the Categorical Use of Force and the details of the subsequent notifications are attached.

## **Personnel at Scene**

Detective Solorza was the first representative from FID to arrive at scene at approximately 1920 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

## **Communications**

A copy of the CD Incident Recall printout related to Incident No. 20033100003304 is on file at FID. A digital recording of City-Wide, Tac-5, Channel 47 frequency is stored at FID.

## **Justice System Integrity Division**

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after completion of this administrative report.

## **Investigators' Notes**

1. Per the LAPD, Use of Force-Tactics Directive No. 10.3, Undercover and Surveillance Operations, dated March 2019, all written operation plans shall include the following information:

- Location of the activity and type of crime;
- Radio frequency;
- Location information (security bars, dogs, children, or other officer safety issues);
- Suspect(s) information (i.e. criminal history, prior violent behavior, access to weapons, drug use, and picture if available);
- Personnel assigned to the operation (include their roles and duties, communications, less lethal, arrest team, etc.) In a mobile surveillance, it is understood that the duties may rotate due to their position at the time;
- Required/exempted equipment for operation. If an exemption is granted for required equipment, the Commanding Officer (C/O) or acting C/O who grants the exemption shall be documented in the written plan or, if the plan is verbal, noted on the supervisor's log; and,
- Brief summary, including a description of what information led to the operation.

Upon review of the Operations Plans, dated March 30, 2020 and March 31, 2020, the following inaccuracies and missing information were noted;

- The Operations Plans did not include the roles and duties of the personnel, nor did they include the required equipment and less lethal options.
- The following statement was included on the first page of the Operations Plan; \*(Plainclothes officers SHALL "don" a Department "raid jacket" or "tactical vest"

with ballistic protection when they are involved in a tactical operation where they are likely to have contact with one or more suspects).

The LAPD, Use of Force-Tactics Directive No. 10.3, Undercover and Surveillance Operations, defined plainclothes as the following: *Non-uniform assignments where the role and identity as a sworn officer is not intended to be confidential or clandestine. For example: Area detectives, Mental Evaluation Unit personnel (MEU), training staff, etc.*

According to Sergeant Kim, CIT personnel were working in an undercover capacity; not in plainclothes.

In addition, the following inaccuracies were noted on the March 31, 2020 Operations Plan;

- The Operations Plan erroneously stated that the briefing was held at Metropolitan Station. The investigation determined that the briefing was held at the Starbucks coffee shop located at 13248 Imperial Highway in the city of Santa Fe Springs.
- The Operations Plan identified Police Officer III Scott Jedlick, Serial No. 38395, as part of the personnel involved; however, he did not participate in the operation.

2. The LAPD, Use of Force-Tactics Directive No. 10.3, Undercover and Surveillance Operations, dated March 2019, contained the below matrix depicting the required equipment for undercover personnel depending on their respective role(s):

Required Equipment				
Assignment	Body Armor	Raid Jacket/ Tac Vest	Radio	Minimum Equipment*
UC Operator	Not required	Not required	Not required	Not required
Close Cover	Required unless specifically exempt	Have available in the field	When Practicable	Required unless specifically exempt
UC Support	Required unless specifically exempt	Have available in the field	Required	Required
Surveillance Personnel	Required unless specifically exempt	Have available in the field	Required	Required

In addition, the Directive stated, “Personnel assigned to undercover or surveillance operations are required to wear Department-approved body armor unless wearing the body armor would directly compromise the covert nature of the operation. The written operation plan must set forth why wearing body armor would compromise the operation.”

The CIT Operations Plan did not contain an explanation on how body armor could have compromised their investigation, nor did it indicate that a body armor exemption was authorized. According to Sergeant Kim, he did not seek a body armor exemption for the operation, because he believed the CIT team was already exempt and that they were operating within policy.

According to a note on Page No. 4 of the Directive, “Any exemption to the wearing of body armor shall be approved by a commanding officer and only on a case by case basis.”

- The following personnel were not wearing body armor at the time of the OIS: Sergeant Kim and Officers Garcia, Estrada, Rodriguez, Clark, Hegemier, Bustamante, Trejo, Hoyos and Muro.

According to Sergeant Kim, he did not discuss body armor with his personnel prior to the surveillance operation. When asked if he considered wearing body armor underneath his clothing, Sergeant Kim replied, *“I mean, it’s always a consideration because it’s safer to have a vest on as a police officer. But based on the type of investigation we were doing, we would have been detected as the police and it would have been ineffective.”*<sup>63</sup>

Sergeant Kim added, *“I was under the impression that when we’re working as UC’s (Undercovers), that we did not have to wear body armor when we’re operating.”*<sup>64</sup>

- Officer Tudor was in full uniform at the time of the incident, however, she did not have a Side-Handle Baton and/or a collapsible baton or a Hobble Restraint Device (HRD) on her person. According to Officer Tudor, her Side-Handle Baton and HRD were secured inside a bag placed in the cargo area of her SUV police vehicle.

3. According to Officer Rodriguez, during the operation he observed multiple Norwalk Sheriff’s deputies in their area. Officer Rodriguez believed CIT’s operation/presence could have resulted in a radio call; therefore, he flagged down a male deputy.

Officer Rodriguez identified himself as a police officer and asked the deputy if he was aware of their surveillance operation. According to Officer Rodriguez, the

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<sup>63</sup> Kim, Second Interview, Page 7, Lines 18-23.

<sup>64</sup> *Id.*, Page 17, Lines 5-7.

deputy had no knowledge of their operation and advised him that a new shift had just started. Officer Rodriguez provided the deputy with photographs of the potential robbery suspects, in hopes that their agency could assist in identification. According to Officer Rodriguez, he and the deputy exchanged cellular phone numbers. During their contact, Officer Rodriguez did not clarify if a radio call was generated.

According to Officer Rodriguez, he did not have any additional contact with the deputy for the remainder of the incident. Officer Rodriguez could not recall the deputy's name.

4. According to Sergeant Kim, he considered donning his tactical ballistic vest; however, was pre-occupied with deciding if they should terminate their operation due to Officer Hegemier's observation. Sergeant Kim added, "*I was kind of weighing all those options...Whether to send the chase car in to maybe shoo the guy away or even call the local agency, because we had the number. But by the time that process was going through my mind is when the help call came out.*"<sup>65</sup>

Sergeant Kim estimated that approximately 20-40 seconds elapsed between Officer Hegemier's broadcast about Lopez potentially being armed and Officer Garcia's help call. The investigation determined that approximately three minutes and 40 seconds elapsed between Officer Hegemier's broadcast and the help call.

5. Officers Bustamante and Muro first made contact with the unidentified male while they were seated in their vehicle. Officer Bustamante, through the open driver's side window, asked the male if he observed what happened. According to Officers Bustamante and Muro, the male appeared to be nervous and believed he could be the outstanding suspect.

Officer Bustamante verbally identified himself as a police officer and ordered the male to stop and face toward a nearby wall. The male then ran toward an apartment building located at 13273 Meyer Road. Officers Bustamante and Muro both exited the vehicle, without donning their body armor and/or raid jackets.<sup>66</sup> According to Officer Muro, he yelled, "*Stop, Police.*" The male ignored his commands and ran into the aforementioned apartment building.

Officer Bustamante left Officer Muro on the northeast corner of Meyer Road and Laurel Avenue and drove away from the location to set up containment. According to Officers Bustamante and Muro, once Officer Bustamante drove away they could no longer see one another. Officer Bustamante estimated that he was

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<sup>65</sup> Kim, Second Interview, Page 23, Lines 8-14.

<sup>66</sup> According to Officer Bustamante, his tactical ballistic vest was on the right rear passenger seat within his reach. Officer Bustamante's raid jacket was also within the passenger compartment of their vehicle. According to Officer Muro, his ballistic vest was lying on the rear driver's side floorboard. Officer Muro's tactical ballistic vest was located in the trunk of their vehicle along with his raid jacket.

approximately 50-100 yards away from Officer Muro; however, he would be able to provide assistance to his partner if necessary. According to Officer Muro, he remained on the sidewalk and did not chase the male into the apartment building.

Once Segura was in custody, Officer Muro broadcast to Officer Bustamante and requested to be picked up.

6. The investigation revealed that the DOC notification was made nearly 2 ½ hours subsequent to the OIS. Metropolitan Division notified FID directly of the OIS. There was no record of a notification to the DOC prior to 1928 hours.
7. The investigation determined that there was no Watch Commander's Log for Metropolitan Division. According to Metropolitan Division, Area Adjutant, Police Officer III Perry Scheerer, Serial No. 38211, Metropolitan Division does not complete Watch Commander Logs.
8. According to Witness Denise Rodriguez, her four juvenile children were inside of their residence at the time of the OIS. Their ages ranged from 6 to 12 years old. Witness Rodriguez indicated that her children heard the gunshot; however, they were not interviewed due to their ages.

On July 28, 2020, Detective Rosa attempted to contact potential witness David Perez telephonically, but received no answer. Detective Rosa left a voicemail message requesting a return phone call. In addition, Detective Rosa sent a contact card to David Perez' residence.

As of the date of this report, David Perez has not made any attempts to contact Detective Rosa.

9. Force Investigation Division, CAT, Detective II Paul Inabu, Serial No. 30286, contacted ATF Agent Frank Cheng. Agent Cheng contacted Mr. Arnett, who reported that he *traded* the pistol with a relative named Tony Robertson. Agent Cheng contacted Mr. Robertson, who indicated that he did not recall what happened to the aforementioned pistol.
10. The investigation revealed the following BWV deviations;

- Officers Tudor and Purece both had late activations; therefore, their BWV did not capture their Code Three response.

Officer Purece activated his BWV as he exited the vehicle, just prior to detaining Segura. According to Officer Purece, he was preoccupied responding to the help call and did not realize his BWV was not activated.

Officer Tudor was at the scene for over five minutes, prior to activating her BWV. Therefore, her BWV did not capture Segura's detention, the search of

his person, and her initial contact/conversation with Segura. According to Officer Tudor, it was an oversight not to activate her BWV while responding Code Three.

On October 7, 2020, Force Investigation Group, Commanding Officer, Commander Timothy Nordquist, Serial No. 35492, notified Office of Special Operations of the above BWV deviations.

#### **FID Supplemental Report<sup>67</sup>**

Following the submissssion of the executive summary, Force Investigation Division (FID) conducted supplemental interviews on December 23 and 24, 2020, with Metropolitan Division, Lieutenant II John Jenal, Serial No. 23703.

During his interview, Lieutenant Jenal stated that he reviewed and approved the Crime Impact Team's Operations Plan prior to the initiation of the operation. According to Lieutenant Jenal, the Operations Plan outlined a surveillance operation, and the plan did not request, nor did he authorize, an exemption for the body armor requirement.

[...]

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<sup>67</sup> On January 4, 2021, the Commanding Officer, FID issued a supplemental report regarding this case.

## CHIEF OF POLICE REPORT<sup>68</sup>

### Chief of Police Findings

**Tactics** – Administrative Disapproval, Sergeant Kim and Officers Garcia, Estrada, Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Garcia, Estrada, Clark, Hegemier, Trejo, Hoyos, and Rodriguez.

**Lethal Use of Force** – In Policy, No Further Action, Officer Garcia.

### Chief of Police Analysis

#### **Detention**

- Officers from Metropolitan Division CIT conducted a surveillance operation to identify robbery suspects in the City of Whittier. During the surveillance, Lopez, who was not the subject of the surveillance operation, walked through the area of the surveillance. Lopez looked into several of the unmarked police vehicles which were occupied with personnel who were engaged in the surveillance operation. Lopez removed a handgun from his duffel bag and approached Officers Garcia and Estrada who were sitting in their unmarked police vehicle. Lopez raised his handgun towards Officers Garcia and Estrada resulting in an OIS. The actions of detaining Lopez during this incident were appropriate and within Department policies and procedures.

#### **Tactics**

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training”* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

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<sup>68</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

## Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- *Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Rodriguez and Bustamante developed a written Metropolitan Division CIT Operations Plan in preparation for a surveillance operation to identify robbery suspects. Sergeant Kim ensured that the written operation plan was communicated to all participants of the surveillance and that all required notifications were made. The CIT team was provided with photographs of the robbery suspects, their vehicle, and the handgun used in the commission of the crime. A base radio frequency and a RTO was assigned to the monitor the channel. Officers Rodriguez and Bustamante briefed the CIT personnel with a synopsis of the crime and discussed their roles and assignments. Officer Bustamante advised the officers that their goal was to locate the suspect's vehicle and attempt to identify the suspects involved in the robbery.

Sergeant Kim ensured that all of the officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments. Sergeant Kim stated the assigned plain clothes surveillance personnel were all operating in an undercover capacity because there was a chance that they would have to interact with people and possibly get out on foot. The UOFRB noted that Sergeant Kim's planning was incorrect, and that the operation was actually a surveillance operation requiring the donning of body armor for involved personnel.

Officers Purece and Tudor were assigned as a uniformed chase detail for this operation in the event a uniformed police presence was needed for detention of the

targets of the surveillance or if an incident required protection for the surveillance officers.

During the surveillance, Officer Hegemier observed that Lopez was armed with a handgun and broadcast that information to the surveillance team. Sergeant Kim broadcast a request to determine if Lopez was actually armed with a handgun and to assist him in determining if the uniformed chase team would be called in or if the Los Angeles Sheriff Department would be contacted, due to being outside of the City of Los Angeles. The help call was broadcast prior to Sergeant Kim being able to develop and communicate a plan.

The UOFRB noted that Sergeant Kim believed that approximately 20-40 seconds elapsed from Officer Hegemier's initial broadcast to the time the help call was broadcast. The actual amount of time that passed was approximately three minutes and 40 seconds. The UOFRB noted that Sergeant Kim should have developed a plan and communicated it with the surveillance team when they became aware that Lopez was armed with a handgun. The UOFRB was critical of Sergeant Kim's lack of pre-planning with the CIT officers with regard to the possibility of external threats that occur from individuals that were not the targets of the surveillance operation. A contingency plan for unanticipated complications during the surveillance operation was not described in the operations plan and the operations plan itself was missing several pieces of required information, such as the required equipment for the individual officers, the specific roles and duties of each individual officer, and the less lethal force options that the CIT team was equipped with during the operation.

**Assessment** – During the surveillance operation, Officers Clark, Hegemier, and Rodriguez assessed the activity of Lopez and Segura. Officer Rodriguez noted Segura and Lopez were looking into vehicles and as they passed his vehicle, Lopez bumped into Officer Lopez *[sic]* vehicle.

Officers Hegemier and Clark observed Lopez and Segura walking north on Laurel Avenue, with Lopez on the east sidewalk and Segura in the middle of the street. They noted that Lopez and Segura were looking up and down the street constantly. Officer Clark stated that both Lopez and Segura appeared that they were looking for the police. According to Officer Hegemier, based on his prior experience working gang assignments, it is common for the individual walking in the street to be acting as the lookout while the person on the sidewalk is armed, acting as security. Officer Hegemier's assessment of Lopez and Segura's activity heightened his awareness, leading Officer Hegemier to broadcast his observations to the surveillance team

While continuing to observe Lopez and Segura, Officers Clark and Hegemier observed Lopez remove a handgun from his duffel bag and they immediately alerted the surveillance team, specifically any units that were positioned to their north. As Lopez and Segura continued walking north on Laurel Avenue, both Officers Garcia and Estrada observed Lopez and Segura approaching them. Officer Garcia and Estrada assessed Lopez and Segura's actions and due to no imminent threat being presented, they attempted to allow him to leave the area and then have a uniformed

unit take enforcement action. However, immediately after passing by Officer Estrada and Garcia's vehicle, Lopez became an immediate threat by arming himself with a handgun and walking towards Officer Garcia and Estrada with the handgun pointed in their direction.

The UOFRB noted that the CIT officers continuously assessed Lopez and Segura's behaviors and adjusted their response based on these behaviors. Officer Garcia and Estrada's swift response to the deadly threat presented by Lopez was due, in part, to their attentive assessment of Lopez's actions and his reactions to their attempts to stay in their vehicle and conceal themselves from view. The UOFRB also noted that Officer Garcia was attentive and assessed throughout his discharging of his service pistol. Officer Garcia assessed and determined that the single round that he discharged was effective at stopping the threat that Lopez presented. Officer Estrada was also attentive in his assessments. As Officer Estrada exited his vehicle in response to Lopez's approach, Officer Estrada was in the process of bringing his service pistol to bear on Lopez. When Officer Estrada heard Officer Garcia discharge his service pistol, he immediately assessed and observed that the threat had ceased and Officer Estrada did not need to discharge his service pistol. Officer Estrada was able to complete this assessment in a rapidly evolving tactical situation where his own life was at risk of serious bodily injury and/or death.

**Time** – After being advised by Officers Clark and Hegemier that Lopez was armed with a handgun, Officers Estrada and Garcia did not attempt to take immediate enforcement action. They allowed Lopez to pass their vehicle as they concealed themselves in the reclined driver and passenger seats. Officer Estrada and Garcia attempted to allow Lopez to pass them in order to request the uniformed chase unit to detain Lopez, with the benefit of as much time as needed to formulate a viable plan to take Lopez into custody.

When Lopez passed Officer Garcia and Estrada's vehicle, he immediately stopped his forward movement and walked directly towards them with his gaze fixed on Officer Estrada and the unmarked police vehicle. Officer Garcia did not have the benefit of additional time to deal with the imminent threat that Lopez's posed as Lopez approached with a handgun. Officer Garcia still communicated with his partner his observations and requested that his partner request additional resources before Officer Garcia exited the police vehicle, identified himself as a police officer, and addressed the imminent deadly threat.

The UOFRB noted that Officer Garcia and Estrada utilized time to their advantage by not confronting or attempting to detain Lopez, despite Lopez arming himself with a handgun. Officers Garcia and Estrada intended to utilize their available time to request the assistance of their uniformed chase unit in order to detain Lopez. Time, however, was taken away from Officers Garcia and Estrada when Lopez abruptly stopped his direction of travel and walked towards Officers Garcia and Estrada, while drawing his handgun from his duffel bag.

The UOFRB was critical of Sergeant Kim's lack of active leadership within the window of time between Officer Hegemier's broadcast of Lopez being armed with a gun to the OIS which was approximately three minutes and 40 seconds. In this window of time, Sergeant Kim did not take proactive measure to address an armed suspect who was walking towards CIT officers.

**Redeployment and/or Containment** – After Lopez armed himself with a handgun from his duffel bag and walked in the direction of Officers Garcia and Estrada, they redeployed by reclining their vehicle seats in an effort to conceal themselves and avoid detection. Lopez continued to pay attention to their vehicle and approached them while arming himself with a handgun. After the OIS, Lopez fell to the ground on the east sidewalk of Laurel Avenue behind a grey pick-up truck. In order to better contain Lopez, Officer Garcia redeployed to the south and assumed a prone position. This allowed Officer Garcia to have a less obstructed view of Lopez. Officer Estrada moved north on Laurel Avenue to have a less obstructed view of Lopez due to Lopez being located behind a grey pick-up truck. These two redeployment efforts allowed Officers Garcia and Lopez to triangulate on Lopez and keep him contained in the OIS scene.

The UOFRB noted that Officer Garcia's redeployment efforts, when exiting his vehicle, utilized the available cover, but avoided any crossfire situation involving his partner while still allowing him to expediently address the threat of Lopez armed with a handgun.

**Other Resources** – Officers Rodriguez and Bustamante developed a written Metropolitan Division CIT Operations Plan that required notifications to be made, including, but not limited to Communications Division, the local law enforcement agency which was the Los Angeles County Sheriff Department (Norwalk Station), and Los Angeles Clearing House (LA CLEAR) in order to advise them of the surveillance operation and avoid miscommunication.

According to Officer Rodriguez, prior to the OIS, he had made contact with a Los Angeles County Sheriff Deputy who was on patrol in the area of the surveillance and obtained his telephone number in the event that assistance from the local agency was needed. Officer Rodriguez stated that he was attempting to call the deputy to request assistance with Lopez prior to the OIS occurring.

The UOFRB discussed that when Lopez was identified as being armed with a handgun, Officer Garcia and Estrada were waiting for him to pass by their location. After Lopez had passed them they had intended to request the uniformed chase officers to detain Lopez.

**Lines of Communication** – During the surveillance operation, the CIT surveillance team maintained constant communication utilizing not only their police radios, but also a messaging application on their cellular phones to relay information that was observed during the surveillance operation.

Prior to the OIS, Officers Garcia and Estrada attempted to communicate with Lopez and identify themselves as police officers. However, Lopez was, according to Officer Garcia, so fixated on Officer Estrada that he did not respond to Officer Garcia's attempt to identify himself as a police officer.

After the OIS, Officers Garcia, Estrada, Hegemier, Clark, and Rodriguez utilized verbal communication to form an arrest team and take Lopez into custody without further incident. Officer Garcia also was able to maintain situational awareness and provide Segura's direction of travel to the additional responding CIT officers.

The UOFRB noted that there was significant communication between the CIT officers on the surveillance team throughout this incident. The individual partner pairs communicated with each other and then relayed their combined observations to the other officers involved in the surveillance. The UOFRB discussed that Officers Garcia and Estrada attempted to communicate with Lopez and identify themselves as police officers. However, due to Lopez's actions while being armed with the handgun, the time available to attempt communication was limited.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1 Tactical Planning** (Substantial Deviation, without justification – Sergeant Kim)

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Sergeant Kim approved a written operations plan that lacked all the minimum information necessary for a surveillance operation.

The written operations plan was described as a "surveillance" operation in the narrative portion of the plan. However, Sergeant Kim stated in his interview that the plainclothes surveillance personnel were working in an "undercover" capacity; therefore, they were exempt from wearing body armor. The written operations plan did not document the operation as an undercover operation, nor did it document any exemption to required equipment, such as body armor.

The written operations plan did not define the roles/duties of each individual officer assigned to the surveillance operation, nor did it state the equipment required by each individual officer and available less-lethal force options. The operations plan was completed on a Metropolitan Division CIT Operations Plan form, as opposed to the Department approved operations plan (LAPD Form 12.22.00), which has a

section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist.<sup>69</sup>

When the operations plan was approved by Sergeant Kim, there were two factual errors included in the operations plan when submitted. The written operations plan stated that the surveillance brief took place at Metropolitan Division, but the briefing actually took place outside of a coffee shop. In addition, the plan documented that Officer S. Jedlick, Serial No. 38395, Metropolitan Division, CIT, was participating in the surveillance operation. Officer Jedlick did not participate in the operation.

Sergeant Kim forwarded the written operations plan to Lieutenant J. Jenal, Serial No. 23703, Metropolitan Division, CIT, for approval. According to Lieutenant Jenal, he approved a surveillance operation plan that did not indicate an exception for Metropolitan CIT officers to not wear body armor.

The UOFRB discussed that the operations plan that was approved by Sergeant Kim did not include necessary information and did not provide a tactical plan that officers could utilize if outside factors affected the surveillance. Sergeant Kim approved a plan that labeled the operation as surveillance; however, when interviewed, Sergeant Kim described the methods used by his officers as “undercover.” This led to Lieutenant Jenal, who was not physically present at the briefing or operation, to approve an operation that would not be following the policy constraints of a surveillance operation including all necessary equipment. The actual operations plan led to confusion amongst the CIT officers as to the nature of their operation and the necessary equipment needed to complete their operation. Interview of the CIT officers determined that there was not a clear delineation of what the goal of the operation was; whether it was to only identify or arrest the robbery suspects or both.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Kim’s approval of tactical planning lacking necessary detail and information was a substantial deviation, without justification, from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 2 Body Armor (Substantial Deviation, without justification – Sergeant Kim and Officers Garcia, Estrada, Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro)**

*Personnel assigned to undercover or surveillance operations are required to wear Department approved body armor unless wearing the body armor would directly compromise the covert nature of the operation. The written operation plan must set*

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<sup>69</sup> The sole use of a Metropolitan Division CIT Operations Plan form was discontinued during the adjudication of FID Case No. 051-19 on August 19<sup>th</sup>, 2020, after the date of this OIS incident. Captain Valenzuela directed that Metropolitan Division personnel only use the Department approved Operations Plan, LAPD Form 12.22.00.

*forth why wearing body armor would compromise the operation. (Los Angeles Police Department Use of Force-Tactics Directive No. 10.3)*

Sergeant Kim, Officers Garcia, and Estrada did not don their Department-approved body armor when conducting field related surveillance duties.

Surveillance personnel are required to wear body armor, unless specifically exempt. No exemption was obtained for the body armor requirement on the approved written operations plan.

During the surveillance operation, Sergeant Kim and Officers Garcia, and Estrada did not don their Department-approved body armor. According to Sergeant Kim, "As in all of our briefings, I ensured that all of our officers had their required equipment and knew what their roles were as far as what their attire and their gear should be for their assignments." Additionally, Sergeant Kim added, "And we were all operating in a UC (undercover) capacity, because there was a chance that we'd have to interact with people, get out on foot." Officers Garcia and Estrada additionally believed they were working surveillance in an undercover capacity. Sergeant Kim stated that the goal of Metropolitan CIT was to blend into the area they were surveilling in and to locate the targets of their surveillance. This meant that the officers would possibly be required to leave their vehicles if the target of their investigation left the area on foot or into an area that was not accessible to vehicles. Sergeant Kim stated that if the officers were wearing their body armor, they would be unable to perform these duties effectively.

The UOFRB was critical of Sergeant Kim and Officers Garcia and Estrada' misunderstanding of the different equipment requirements for the different variations of non-uniformed field operations such as surveillance, plainclothes, and undercover operations. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a subject or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred that Sergeant Kim, Officers Garcia, and Estrada's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy. In order to enhance future performance, the Chief directed this to be a topic of discussion during the tactical debrief.

The FID investigation determined that Officers Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro did not don their Department-approved body armor

when conducting field related surveillance duties. The officers believed they were working surveillance in an undercover capacity. It is the responsibility of each individual officer to know the procedures and policies that govern their duties. The undercover directive provides clear direction of the requirement of body armor for personnel assigned to surveillance operations. In this case, the operation was not a UC Operation as the officers were not proactively seeking to establish a relationship or make contact with a subject or group to gather evidence or intelligence while concealing the operator's identity as a police officer to accomplish the mission. As such, the officers were not classified as UC Operators, nor did they receive an exemption to wear body armor from a commanding officer.

Based on the totality of the circumstances, the Chief determined that Officers Clark, Hegemier, Bustamante, Trejo, Hoyos, Rodriguez, and Muro's decision to not don their body armor when participating in a surveillance operation was a substantial deviation, without justification, from approved department policy. In order to enhance future performance, the Chief directed this to be a topic of discussion during the tactical debrief.

**Debriefing Point No. 3 Tactical Planning/Communications (Substantial Deviation, without justification – Sergeant Kim)**

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Sergeant Kim did not develop and communicate a tactical plan with the CIT surveillance team when they became aware that a suspect, who was armed with a handgun, was walking through the area of surveillance and near CIT personnel.

Sergeant Kim was the supervisor of the surveillance operation and had command and control of the operation. During the surveillance operation, Lopez and Segura walked through the area under surveillance and looked into several of the unmarked police vehicles being utilized for surveillance. While walking north, Lopez was observed removing a handgun from his duffel bag by Officers Hegemier and Clark, while Lopez continuously moved his head from side to side, as if he was evaluating the area. Lopez walked on the sidewalk while Segura walked in the middle of the street. Officer Hegemier broadcast his observations to the surveillance team via his police radio. Lopez continued walking north towards the surveillance position occupied by Officers Garcia and Estrada. Officers Garcia and Estrada attempted to conceal themselves in their vehicle. Lopez stopped his northbound movement and proceeded to walk towards Officers Garcia and Estrada's vehicle, while armed with a handgun, which ultimately resulted in an OIS incident.

Upon hearing the broadcast that Lopez was observed to be armed with a handgun, Sergeant Kim stated that he was assessing the situation and determining whether to send in the uniformed chase unit, to call in the local law enforcement agency, or to

terminate the surveillance operation. As he was weighing his options, he heard the help call from the OIS. Sergeant Kim estimated that the elapsed time between Officer Hegemier's broadcast regarding Lopez' possession of a handgun and the OIS help call to be approximately 20 to 40 seconds. According to the FID investigation, the elapsed time was approximately three minutes and 40 seconds.

The UOFRB was critical of Sergeant Kim's lack of active leadership throughout the surveillance operation. While supervisors often delegate tasks or responsibilities, they are ultimately responsible for command and control of the operation regardless of roles. Sergeant Kim was ultimately responsible for formulating and communicating a plan to counter the threat posed by Lopez who armed himself with a handgun and walking towards CIT officers. When Officer Hegemier and Clark began broadcasting that Lopez was armed with a handgun and walking through the area where the CIT officers had positioned themselves, Sergeant Kim did not communicate a plan of action with his officers or begin a tactical response to deal with the threat of Lopez being armed with a handgun. Both Officer Hegemier and Officer Rodriguez had advised that Lopez had previously been in the area and had looked into two unmarked police vehicles and bumped Officer Rodriguez's police vehicle as he left the location prior to Lopez arming himself with the handgun. The UOFRB considered that Sergeant Kim was aware of Lopez' actions and did not respond during available time of three minutes and 40 seconds prior to the OIS.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Sergeant Kim's lack of tactical planning and communication with his officers when confronted by what was believed to be an armed suspect was a substantial deviation, without justification, from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 4 Initiating Contact While Seated in Police Vehicle**  
(Substantial Deviation, without justification – Officers Bustamante and Muro)

*Proper safety tactics demand that officers exit their patrol vehicles to conduct pedestrian contacts. Approaching and conducting the contact on foot allows officers to devote complete concentration to observing the pedestrian, better visibility of the pedestrian, better mobility (rather than being trapped in a vehicle), the ability to detain and search an individual, if necessary, and greater advantage if a foot pursuit should occur (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Officers Bustamante and Muro initiated contact with a possible suspect believed to be associated to an OIS incident, while seated in the police vehicle.

In this case, Officers Bustamante and Muro heard the help call and drove towards the intersection of Meyer Road and Laurel Avenue to set up containment. They observed an unidentified individual that matched Segura's description. Officer Bustamante contacted the possible suspect, identified himself as a police officer,

and ordered the possible suspect to face a nearby wall. Officers Bustamante and Muro contacted the unidentified male while still seated inside of their unmarked police vehicle and spoke with him through the open driver's side window. The unidentified male fled into a nearby apartment complex. The male was later determined to not be involved in the incident. By remaining inside of their police vehicle and contacting a possible suspect related to an OIS, Officers Bustamante and Muro placed themselves in a tactical disadvantage to the suspect.

Based upon the totality of the circumstances, the Chief determined that Officers Bustamante and Muro's decision to contact the possible suspect while still seated in their police vehicle was a substantial deviation, without justification, from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

**Debriefing Point No. 5 Separation** (Substantial Deviation, without justification – Officers Bustamante and Muro)

**Separation (Split Up):** *Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid.*

**Note:** *While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight with each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers Bustamante and Muro separated when they attempted to detain an unidentified male they believed to be an outstanding suspect related to the OIS. The male ran into a nearby apartment complex. Officer Bustamante and Muro were seated inside of their police vehicle. Officer Bustamante dropped off Officer Muro from the police vehicle and drove approximately 50-100 yards away from Officer Muro to set up containment. The officers' containment positions did not allow them to have a visual of each other, hindering their ability to immediately render aid.

Based on the totality of the circumstances, the Chief determined that Officers Bustamante and Muro's actions were a substantial deviation, without justification, from approved Department tactical training. The Chief directed this be a topic of discussion during the Tactical Debrief.

**Additional Tactical Debrief Topics**

**Operations Plan** – The written operations plan, completed by Officers Rodriguez and Bustamante, did not define the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment

required by each individual officer and available less-lethal force options. The operations plan was completed on a Metropolitan CIT Operations Plan form, as opposed to the department approved Operations Plan (LAPD Form 12.22.00), which has a section on the face sheet for unit, names, serial numbers, duties, and an equipment checklist. To enhance future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

The written operations plan was approved by Lieutenant Jenal and forwarded via email to Captains Sands and Valenzuela. The UOFRB discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the plan. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Securing of Firearm** – Officer Rodriguez kept a holstered, but unsecured, service pistol in-between the front driver seat and center console of his police vehicle while conducting surveillance. Officer Rodriguez is reminded of the importance of safe storage of handguns, especially in unattended vehicles or vehicles which may be left unattended. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment (Radio)** – Officer Estrada inadvertently dropped his handheld radio when he exited his police vehicle in response to Lopez's approach. To improve future performance, the Chief will direct this to be a topic of discussion during the Tactical Debrief.

**Seat Belt** – Officers Purece and Tudor did not fasten their seatbelts during their Code Three response to the OIS help call. The officers acknowledged they were close to the OIS incident, were unsure of the location of the suspects, and felt the need to not utilize their seatbelt in order to deploy quickly from the police vehicle. The use of the seatbelt is an important safety feature which allows the driver of a vehicle to remain secured in the seat to ensure safe control of the vehicle. The seatbelt also protects the occupants of the vehicle in the event of a traffic collision. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Situational Awareness** – Communications Division acknowledged Officer Garcia's help call and requested the location to be repeated. Sergeant Kim advised CD the location was Meyer Road and Beaty Avenue and requested CD notify the Los Angeles County Sheriff Department. The actual location of the OIS was 11711 Laurel Avenue. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Maintaining Control of Equipment (Holster)** – Officer Rodriguez dropped the holster for his service pistol when he exited his vehicle to assist with detaining

Lopez. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Less Lethal Force Options** – After the OIS, Officers Hegemier, Clark, and Rodriguez formulated a tactical plan to approach Lopez and take him into custody. At this time, they discussed incorporating less lethal force options, but none were immediately available, although Officer Rodriguez had a TASER secured inside his police vehicle at the time. The other less-lethal force option, a 40 millimeter Less Lethal Launcher (LLL), was secured in the chase unit vehicle, which was detaining Segura at approximately the same time. The inclusion of a less lethal force option to an arrest team allows officers additional tactical options to respond to a suspect's actions. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Plainclothes Attire** – Officers Bustamante and Muro attempted to detain an unknown male they believed to be an outstanding suspect. Despite being in plainclothes, they did not don a raid jacket or tactical vest prior to attempting to detain the possible male suspect. To improve future performance, the Chief direct this to be a topic of discussion during the Tactical Debrief.

When Officers Hoyos and Trejo initiated their detention of Segura, despite being in plainclothes, they did so without donning a raid jacket or tactical vest. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Situational Awareness** – As Officer Muro and Bustamante attempted to set up containment of a possible suspect who fled into an apartment building. Officer Muro broadcast the location as 13273 Beaty Avenue. When Officer Muro realized the address was incorrect, he broadcast the correct location. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

**Protocols Subsequent to a CUOF** – Sergeant Kim contacted Lieutenant Jenal and informed him of the OIS incident. Lieutenant Jenal advised Sergeant Kim that he would make notification to Metropolitan Division commanding officers. Lieutenant Jenal contacted Captain Sands and advised him of the OIS incident. Captain Sands advised he would make notifications as Lieutenant Jenal responded to the OIS scene. Captain Valenzuela notified the DOC of the OIS incident at approximately 1928 hours, which was approximately two and a half hours after the OIS incident. To improve future performance, the Chief directed this to be a topic of discussion during the Tactical Debrief.

## **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure,*

*set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

Officer Purece was assigned to the chase unit for the surveillance operation. In response to the OIS help call, he responded to the incident after the OIS occurred. Officer Purece relieved a plainclothes officer and took Segura, the outstanding second suspect, into custody. He provided directions to begin setting up a crime scene and identified the involved officers in the OIS incident. Officer Purece directed them to Sergeant Kim to ensure proper separation and monitoring and for their PSS. While setting up a crime scene, Officer Purece directed one of the CIT officers to stand near the suspect's handgun until it could be recovered by FID investigators. Officer Purece also directed another CIT officer to check the residence that was in the background of the OIS incident to ensure there were no injured community members inside of the residence. Lastly, Officer Purece assigned himself to respond in the RA with Lopez to the hospital, since Officer Purece was in full uniform and equipped with a BWV. This allowed Officer Purece's BWV to capture multiple spontaneous statements made by Lopez.

The actions of Officer Purece were consistent with department training and the Chief's expectations of a senior officer during a critical incident.

Sergeant Kim was the supervisor of the surveillance operation prior to and during the OIS. The UOFRB was critical of Sergeant Kim and his lack of active leadership during the surveillance operation. Prior to the commencement of the operation, Sergeant Kim did not establish a tactical plan to deal with scenarios that could occur from other individuals that were not the targets of the surveillance. When the surveillance team observed Lopez and began to actively relay Lopez's behaviors to each other, Sergeant Kim was also receiving these informational broadcasts. Sergeant Kim estimated that the time between Officer Hegemier's broadcasts of Lopez arming himself and the OIS was approximately 20-40 seconds; however, the actual time was 3 minutes and 40 seconds. The window of time would have allowed Sergeant Kim to provide direction to the officers involved in the surveillance. Sergeant Kim had the opportunity during this time to contact the local law enforcement agency, have his own uniformed chase unit to move in, or terminate the operation until the safety of his officers could reasonably be assured.

After the OIS occurred, Sergeant Kim responded to the scene of the OIS and declared himself the Incident Commander while enroute. When he arrived at the OIS scene, he broadcast a request for a RA for Lopez. He then separated and monitored the involved officers, Officers Garcia and Estrada, and obtained independent Public Safety Statements (PSS) from them. Sergeant Kim ensured a crime scene was set up and that officers canvassed for witnesses. Sergeant Kim made notifications of the OIS incident to Lieutenant Jenal and requested additional supervisors to respond to assist with the incident.

The actions of Sergeant Kim prior to the OIS were not consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident. After the OIS occurred, Sergeant Kim's actions were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Sergeants Severns and Muy responded to the OIS incident. Sergeant Severns monitored Officer Estrada and Sergeant Muy monitored Officer Garcia.

The actions of Sergeant Severns and Muy were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Lieutenant Jenal reviewed and approved the written surveillance operations plan. He advised Sergeant Kim that the plan was approved and forwarded the operations plan, via email, to Captains Sands. Although Lieutenant Jenal and Captain Sands were not part of the field operations, their responsibilities were administrative in nature, requiring the review of the operations plan. The written operations plan lacked sufficient detail, including but not limited to, defining the roles and duties of each individual officer assigned to the surveillance operation. The plan also did not state the equipment required by each individual officer and available less-lethal force options. Per the operations plan, the goal of the surveillance operation was to locate the suspect vehicle and follow the driver/occupants of the suspects' vehicle in an

attempt to locate and identify the robbery suspects. If the robbery suspects were positively identified, the uniformed officers would detain and apprehend the suspects, with the assistance from the surveillance other officers. Consideration should have been made that only two uniformed officers were included in the operations to address a possible detention of three robbery suspects.

The UOFRB discussed the expectation that all UC and surveillance operations be documented on a written operation plan and that must be approved by the commanding officer of the responsible Area/Division or their designee, and such approval shall be documented in the written operations plan.

The actions of Lieutenant Janel and Captain Sands were not consistent with Department supervisory training and the Chief's expectations of supervisors. The Director of the Office of Special Operations (OSO) advised that this issue was addressed with Captain Sands and Lieutenant Janel through the generation of a Supervisory Action Item (SAI) and an informal meeting. As such, the Chief deemed no further action is necessary.

### **Tactical Debrief**

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeant Kim and Officers Garcia and Estrada tactics did deviate from approved Department tactical training.

In conducting an objective assessment of this case, the Chief determined that Officers Rodriguez, Trejo, Muro, Bustamante, Clark, Hegemier, and Hoyos's tactics did deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Although it was determined that Captains Sands and Valenzuela, Lieutenant Jenal, and Officers Purece and Tudor, would not receive formal findings, the UOFRB believed, and the Chief concurred, that these personnel would benefit from attending the Tactical Debrief to enhance future performance and to discuss this dynamic incident in its entirety.

Therefore, the Chief directed that Captains Sands and Valenzuela, along with Lieutenant Jenal, Sergeant Kim, and Officers Garcia, Estrada, Rodriguez, Purece, Trejo, Muro, Bustamante, Tudor, Clark, Hegemier, and Hoyos to attend a Tactical Debrief and that the specific identified topics be discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

- On April 4<sup>th</sup>, 2020, Officers Garcia and Estrada attended a General Training Update (GTU) where all mandatory topics were covered.

### **Drawing/Exhibiting**

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)*

### **Officer Garcia**

According to Officer Garcia, he observed Lopez had “planted his foot,” looked back and then turned in Officers Garcia and Estrada’s direction. Officer Garcia observed Lopez “scoffed” and “squinted his eyes” towards Officer Garcia’s vehicle. Lopez stepped into the street and reached into the side pocket of his duffle bag with his right hand. Officer Garcia observed Lopez making furtive movements, as if he were going to retrieve an item from his bag. Based on the previous information provided by Officer Hegemier, Officer Garcia believed Lopez was reaching for a handgun. As Lopez neared their vehicle, Officer Garcia observed Lopez remove a “blue steel” handgun from the duffle bag with his right hand. Officer Garcia had observed the “serrated edges of the slide” and then observed Lopez holding the butt of the handgun. Officer Garcia observed Lopez begin to “raise his hand” and noted Lopez’ “elbow was up.” Officer Garcia believed his life and the life of Officer Estrada were in “eminent [sic] danger,” and he drew his service pistol. Officer Garcia stated that he was involved in a, “tactical situation that was going to-- that would lead to a -- a deadly use of force.”

Officer Garcia recalled,

*the suspect begins to raise his -- raise his hand. His elbow’s up and I see him. I see the serrated edges of the slide and then I see him holding the butt of the handgun.*<sup>70</sup>

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<sup>70</sup> Garcia, Page 25, Lines 21-24

*I told my partner, I told him, "hey, we're made. We're made.*<sup>71</sup>

*At that moment the suspect is gaining the -- gaining. Close, he's closing the distance between the vehicle and -- and himself.*<sup>72</sup>

*I believe that my -- my life was -- was endangered and was going to be endangered so it was that I end up -- I also believed that my partner's life was also in eminent danger. So, as I had unholstered my pistol.*<sup>73</sup>

*And in fear for -- for my life and also my partner's just -- and just going back because I observed the pistol I -- I drew and exhibited my firearm. I -- I had seen a firearm. I knew then -- I knew that my -- my life was in -- in danger and I needed to unholster my weapon because it was going -- it would turn into a tactical situation that was going to -- that would lead to a -- a deadly use of force.*<sup>74</sup>

*he made like a deliberate like planted his foot, looked back, turned his -- like his left shoulder and he looked like he turned towards our direction. I saw the facial expression on his face. It was a combination of like a -- like a scoff and kind of and squinted his eyes towards our -- his -- towards our vehicle. And then he turned completely and kind of -- kind of didn't want to like -- that he shrugged his shoulders up and then just bowed them forward and then continued to walk away from the sidewalk.*<sup>75</sup>

*I see the serrated edges on the slide. It was a blue steel semiautomatic pistol that he was holding in his -- in his right hand.*<sup>76</sup>

*I noticed also that the suspect had now reached into the, I guess, the front side pocket or the side pocket of his duffle bag. He reached in and started making furtive movements indicative that he was -- that he was going to grab an object but at that moment I -- I believed he was going -- he was reaching for a firearm.*<sup>77</sup>

### **Officer Estrada**

According to Officer Estrada, due to Officer Hegemier's broadcast that Lopez was armed with a handgun and Officer Estrada's observations of Lopez walking towards him and his partner, Officer Estrada believed that the situation "could escalate to the

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<sup>71</sup> *Id.*, Page 25, Lines 11-12.

<sup>72</sup> *Id.*, Page 25, Lines 15-17.

<sup>73</sup> *Id.*, Page 26, Lines 24-25 and Page 27, Lines 1-2.

<sup>74</sup> *Id.*, Page 27, Lines 16-23.

<sup>75</sup> *Id.*, Page 24, Lines 6-16.

<sup>76</sup> *Id.*, Page 37.

<sup>77</sup> *Id.*, Page 24, Lines 22-25 and Page 25, Lines 1-2.

use of deadly force." Officer Estrada drew his service pistol and placed it on the lap of his right leg. In order to conceal himself from Lopez and Segura, Officer Estrada reclined the driver's seat as far back as he could.

Officer Estrada recalled,

*And again, the suspect was looking left, looking right as he was crossing through Beaty looking over his shoulder, now looking over his -- his -- his left shoulder now. Based on his actions, based on my observations, based on the observations of Officer Hagemire and the broadcast that he had -- that he had provided, I formulated an opinion that the tactical situation I was involved in could escalate to use of deadly force. And for that reason, I unholstered my weapon in my right hand and placed on my -- placed it on my seat or placed it on my lap. I reclined my seat as far back as I could because I didn't want either of them to see me.<sup>78</sup>*

The UOFRB conducted an evaluation of the reasonableness of Officers Garcia and Estrada's drawing and exhibiting of their service pistols. The UOFRB noted that Officer Estrada drew his service pistol after observing Lopez and Segura walking in his direction, with the knowledge that Officer Hegemier had observed Lopez in possession of a handgun and peering into the officers' surveillance vehicles. The UOFRB noted that Officers Garcia drew his service pistol when he observed Lopez retrieve a handgun from his bag, move towards their vehicle, and point the handgun in their direction.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Garcia and Estrada, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Garcia and Estrada's Drawing/Exhibiting to be In-Policy, No Further Action.

### **Officer Rodriguez**

According to Officer Rodriguez, while engaged in the surveillance operation he heard a shots fired help call broadcast from Officer Garcia. Officer Rodriguez immediately responded and unholstered his service pistol because he believed the situation could escalate to the point of serious bodily injury or death.

Officer Rodriguez recalled,

*I hear, "Shots fired. Officer needs help."<sup>79</sup>*

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<sup>78</sup> Estrada, Page 17, Lines 6-15.

<sup>79</sup> Rodriguez, Page 14, Line 19.

*I dawn [sic] my tack vest and deployed out.<sup>80</sup>*

*I had my -- my handgun in my hand.<sup>81</sup>*

*I reasonably believed the situation can result to a SBI, (Phonetics) or death.<sup>82</sup>*

### **Officer Hegemier**

According to Officer Hegemier, as he responded to the shots fired help call, he donned his tactical vest and deployed his rifle. He deployed his rifle due to the situation being an officer involved shooting and not knowing if the suspect was barricaded, hiding behind a car, or if the suspect had run into a house. Officer Hegemier believed that they would have the tactical advantage by deploying at least one long gun on the situation.

Officer Hegemier recalled,

*...we heard the shots fired, officer needs help on Laurel north of Beaty. My partner was driving that day, so he automatically jumped up to the driver seat. I quickly told him, "Hey, I'll be able to get my tac vest on. I got the rifle up here. Just get us there as quick as you can."<sup>83</sup>*

*I felt -- based on the situation, there was just an officer involved shooting. I didn't know if this guy was barricaded. I don't know if he was hiding behind a car. I didn't know if he had run into a house. I figured that we'd have the tactical advantage by deploying at least one long gun on the situation.<sup>84</sup>*

### **Officer Clark**

According to Officer Clark, he drew his service pistol knowing that an officer involved shooting had already occurred. Even though he did not know the details of the OIS, he knew it was a tactical situation that was "possibly going to require deadly force" to protect his partners and himself.

Officer Clark recalled,

*So I unholstered my gun knowing that there was already an officer involved shooting, even though I didn't know the details, but it was a tactical situation that was*

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<sup>80</sup> *Id.*, Page 15, Lines 4-5.

<sup>81</sup> *Id.*, Page 15, Lines 10-11.

<sup>82</sup> *Id.*, Page 26, Lines 4-5.

<sup>83</sup> Hegemier, Pages 22, Lines 23-25 and Page 23, Lines 1-12.

<sup>84</sup> *Id.*, Page 24, Lines 14-20.

*possibly going to require deadly force to, you know, protect my partners and myself.<sup>85</sup>*

### **Officer Hoyos (1<sup>st</sup> Occurrence)**

According to Officer Hoyos, while engaged in the surveillance operation he heard a "shots fired" help call broadcast. Officer Hoyos immediately responded to the help call location and exited his vehicle. Based on the help call and observing Officers Garcia and Estrada with their pistols drawn in the direction of Lopez, Officer Hoyos unholstered his service pistol. Officer Hoyos was directed to a second suspect to the north and holstered his service pistol.

Officer Hoyos recalled,

*And when they put out the help -- the help call all I heard was officer needs help, shots fired.<sup>86</sup>*

*Went northbound Laurel across Beaty. That's where I see two officers on my west which would be Officer Abe Estrada -- Abraham Estrada and Guillermo Garcia pointing their firearms eastbound east direction.<sup>87</sup>*

*I know when I exit the vehicle I unholstered my -- my firearm. The first time I exit the vehicle and also the second time when we took suspect two into custody.<sup>88</sup>*

*I holstered my pistol. I lifted my shirt and I holstered my pistol.<sup>89</sup>*

### **Officer Hoyos (2<sup>nd</sup> Occurrence)**

According to Officer Hoyos, while engaged in the surveillance operation he heard a shots fired help call broadcast. Officer Hoyos immediately responded to the help call location and exited his vehicle. Officer Hoyos was directed to a second suspect that had fled northbound. Officers Hoyos and Trejo drove north, located Segura (second suspect), and exited their police vehicle. As Officer Hoyos exited his police vehicle he unholstered his service pistol, identified himself as a police officer, and ordered the suspect into a prone position. The suspect was later taken into custody.

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<sup>85</sup> Clark, Pages 25, Lines 23-25 and Page 26, Lines 1-2.

<sup>86</sup> Hoyos, Page 19, Lines 16-17.

<sup>87</sup> *Id.*, Page 20, Lines 2-5.

<sup>88</sup> *Id.*, Page 25, Lines 3-6.

<sup>89</sup> *Id.*, Page 26, Lines 18-19.

Officer Hoyos recalled,

*And when they put out the help -- the help call all I heard was officer needs help, shots fired.*<sup>90</sup>

*I remember saying where's suspect two, and I'm not sure if it was Abraham Estrada or Officer Memo Garcia said northbound. I looked north and I could see what I believe was a male on the east curb walking northbound -- running or walking northbound.*<sup>91</sup>

*I holstered my pistol. I lifted my shirt and I holstered my pistol.*<sup>92</sup>

*As I exit the vehicle I unholstered my firearm again.*<sup>93</sup>

*I continued northbound where I saw the suspect, suspect number two, stopped our vehicle, identified ourselves and proned them to the ground.*<sup>94</sup>

### **Officer Trejo**

According to Officer Trejo, while engaged in the surveillance operation he heard a shots fired help call and did not know if the officers or suspects were struck by the shots fired. Officer Trejo immediately responded to the OIS scene and was directed north to a second suspect. Officer Trejo was uncertain if the suspect was a shooter and unholstered his service pistol because he believed that the second suspect could possibly be armed and the tactical situation could have escalated to possibly using "deadly force."

Officer Trejo recalled,

*Well, at the time that I heard the shots fired car -- call, I didn't know if there was any -- don't know the circumstances of what had taken place there. I just knew that shots were fired. I didn't know if they were our officers or that were hit or the suspects were hit.*<sup>95</sup>

*So, the reason why I -- I withdrew my weapon is because at that point not knowing whether it was a shooter and I'm having believing that he was armed the tactical*

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<sup>90</sup> *Id.*, Page 19, Lines 16-17.

<sup>91</sup> *Id.*, Page 20, Lines 14-18.

<sup>92</sup> *Id.*, Page 26, Lines 18-19.

<sup>93</sup> *Id.*, Page 26, Lines 24-25.

<sup>94</sup> *Id.*, Page 20, Lines 23-25.

<sup>95</sup> Trejo, Page 16, Lines 24-25 and Page 17, Lines 1-3.

*situation that I was involved in at the time would have escalated to possibly using force, deadly force.*<sup>96</sup>

Officers Rodriguez, Hegemier, Clark, Trejo, and Hoyos were aware that Lopez was armed with a handgun as he walked through the area being monitored by the surveillance operation. They additionally heard the shots fired help call and responded to assist officers.

Based on the totality of the circumstances, the Chief determined that an officer with similar training and experience as Officers Rodriguez, Hegemier, Clark, Trejo, and Hoyos, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

### **Policy on the Use of Force**

#### **Use of De-Escalation Techniques<sup>97</sup>**

*It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

#### **Factors Used to Determine Objective Reasonableness<sup>98</sup>**

*The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.*

*In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*

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<sup>96</sup> *Id.*, Page 17, Lines 24-25 and Page 18, Lines 1-3.

<sup>97</sup> Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

<sup>98</sup> *Ibid.*

- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

### **Use of Force – Deadly<sup>99</sup>**

*It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:*

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

*In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.*

**Note:** *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

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<sup>99</sup> *Ibid.*

## **The Department's Evaluation of Deadly Force<sup>100</sup>**

*The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.*

**Officer Garcia** – .45 caliber, one round in an easterly direction from an approximate distance of 29 feet.

According to Officer Garcia, he held his service pistol in his left hand and opened the front passenger door of his vehicle with his right hand. Officer Garcia, cognizant that Lopez was closing the distance between Officers Estrada and himself, exited his vehicle. Officer Garcia squatted down and moved to the rear bumper of his police vehicle while holding his service pistol in a close contact position. As Lopez approached, his eyes were “locked on” to Officer Garcia’s vehicle with an “expression of anger” and “discontent.” Officer Garcia stated Lopez slowly raised his handgun and pointed it in their direction. Officer Garcia, while standing in a low-ready shooting stance, yelled, “Stop! Police! Hands Up!” Lopez “ignored” Officer Garcia’s commands and looked straight toward where Officer Estrada was seated in the police vehicle with a “dead stare.” Lopez brought his handgun up with his whole arm towards Officer Estrada with, what appeared to Officer Garcia, the “intent to shoot and kill” Officer Estrada. Officer Garcia came up on target and acquired his front sight and rear aperture. Officer Garcia discharged one round from his service pistol at Lopez. Officer Garcia assessed and noted that, after his discharged round, Lopez changed his position from a “bladed aggressive stance” directed at Officer Estrada and was turning away from himself and Estrada.

Officer Garcia recalled,

*Suspect had stopped -- had stopped and just -- like I said, he had -- he made like a deliberate like planted his foot, looked back, turned his - - like his left shoulder and he looked like he turned towards our direction. I saw the facial expression on his face. It was a combination of like a -- scoff and kind of and squinted his eyes towards our -- his -- towards our vehicle.* <sup>101</sup>

*The suspect at this time he's -- he's now closed the distance and now I see him about halfway -- halfway on the street in the middle of the street.* <sup>102</sup>

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<sup>100</sup> *Ibid.*

<sup>101</sup> Garcia, Page 24, Lines 5-12.

<sup>102</sup> *Id.*, Page 28, Lines 1-4.

*At this moment in time, I -- I see the -- now that he's -- that he's gotten closer he's raised his hand and his elbow a lot higher now that I can see the firearm fully exposed and was slowly canting it.<sup>103</sup>*

*Then slowly bringing up -- bringing up his forearm and his whole arm -- elbow, arm almost in the direction of where my partner was seated. I knew his eyes were locked on in -- in that direction because as I'm coming up also from the low ready, I yell out, "Stop. Police. Hands up." He ignores my commands and I saw -- I saw the look on his eyes. It was just a straight just dead stare towards the direction of where my partner was seated. At that -- at that moment, I knew that the situation was going to lead to a -- a use of deadly force.<sup>104</sup>*

*When I see the firearm, I also see the -- the look and expression on his -- of his face. He was looking towards our direction with -- with some sort of anger, discontent and it's -- from that moment, I exited the vehicle.<sup>105</sup>*

*I remember coming up on target, acquired my front sight and rear aperture. I remember coming up and I was focused on my -- on my front sight and the suspect was still -- was still in view. He was -- he was -- he looked blurry but I knew he was there. I knew -- I -- I knew his intent. I believed that his intent was to -- to shoot and kill my partner and -- and potentially shoot me as well. So, as I'm target I -- as I'm on target and I fire once. I press the trigger. The round goes off. And as I -- as I assess after the first round I noticed that he was now -- I noticed that he had went from the standing posture like he was -- the way he was standing he went from the bladed like position almost like an aggressive stance towards my -- my partner but he was bringing up the firearm to point it in his direction. And it had now -- after I had fired, I know he now had changed; his position had changed. It was now turning away from me and he began to somewhat run and -- and -- and -- and run and fall at the same time like away from us.<sup>106</sup>*

*Now his elbow has risen up a little bit higher. The gun's out and it starts making a direction of -- a pointing motion towards my partner.<sup>107</sup>*

**Background** – According to the FID investigation, the OIS occurred on the street in front of 11711 Laurel Avenue, in the City of Whittier. Laurel Avenue was a north/south street that had one lane of traffic for each direction and parking along the east and west curbs. The surrounding area was residential and consisted primarily of single-family dwellings. The 11700 block of Laurel Avenue was bordered by

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<sup>103</sup> *Id.*, Page 29, Lines 8-12.

<sup>104</sup> *Id.*, Page 29, Lines 15-25.

<sup>105</sup> *Id.*, Page 26, Lines 19-23.

<sup>106</sup> *Id.*, Page 30, Lines 1-19.

<sup>107</sup> *Id.*, Page 63, Lines 14-16.

Meyer Road to the north and Beaty Avenue to the south. The incident occurred during the hours of daylight at approximately 1701 hours. The environmental conditions were dry with clear skies. Officer Garcia discharged one round from his service pistol in an easterly direction. According to Officer Garcia, at the time of the OIS, there were parked vehicles and residences behind Lopez. Officer Garcia did not observe any people in behind Lopez at the time of the OIS.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Garcia's use of deadly force. The UOFRB noted that Officers Garcia and Estrada attempted to avoid confrontation with Lopez by remaining in their unmarked police vehicle and reclining their seats in order to avoid detection. They did not attempt to detain Lopez and were attempting to allow him to leave the area in order to have a uniformed police officer make contact with him. Lopez chose to reverse his course and move deliberately across the street directly towards Officer Garcia and Estrada, who were still concealed in their vehicle. Lopez then chose to remove his handgun from his duffel bag and raise it toward Officers Garcia and Estrada.

The UOFRB noted Officer Garcia's perception that Lopez had raised the handgun and pointed it in the direction of Officers Garcia and Estrada. After reviewing the surveillance video of the OIS, the UOFRB noted that Lopez did not appear to fully raise his arm. However, the UOFRB noted that Lopez was in possession of the handgun and pointed it in the direction of the officers. In addition, the UOFRB determined that Lopez' right elbow appeared be cocked back. The UOFRB noted that Lopez posed an imminent threat of serious bodily injury or death to Officers Garcia and Estrada with his handgun and that Officer Garcia was not required to wait until Lopez had his handgun fully pointed on target toward the officers.

The UOFRB also noted that Officer Garcia redeployed to a position of cover and attempted to identify himself as a police officer and ordered Lopez to stop his actions. Lopez did not heed Officer Garcia's orders and continued to move towards Officer Estrada's direction. Officer Garcia was left with minimal time to confront the deadly threat posed by Lopez who was armed with a handgun. Officer Estrada *[sic]* discharged a single round at Lopez and immediately conducted an assessment. Officer Garcia observed Lopez fall onto the sidewalk and assessed Lopez' no longer posed an imminent deadly threat. The UOFRB noted that Officer Garcia displayed restraint and fire discipline throughout the rapidly evolving deadly force situation.

The UOFRB also noted that Officer Estrada, despite not firing his service pistol, was in the process of deploying deadly force by raising his service pistol and gaining a sight picture of Lopez. When Officer Estrada heard Officer Garcia discharge his service pistol, Officer Estrada immediately reassessed and found that Lopez no longer posed an imminent deadly threat. Officer Estrada demonstrated restraint and situational awareness during a rapidly evolving deadly force situation.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Garcia,

would reasonably believe Lopez's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force was necessary and objectively reasonable.

Therefore, the Chief found Officer Garcia's use of lethal force to be In Policy, No Further Action.

## **Additional/Equipment**

- **Baton** – Officer Tudor did not have her side handle baton or a collapsible baton on her person during this incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of Counter-Terrorism and Special Operations Bureau (CTSOB) and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Hobble Restraint Device (HRD)** – Officer Tudor did not have a Hobble Restraint Device on her person during this incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Vehicle Code Violations (License Plates)** – Officer Hoyos covered the Exempt license plates of his unmarked police vehicle with temporary California paper license plates during the surveillance operation. Captain Valenzuela advised that Officer Hoyos has since corrected the action and removed the temporary license plates from the police vehicle. Captain Valenzuela advised that the issue was addressed through the generation of a SAI and informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Police Attire** – Officer Estrada exited his police vehicle in response to Lopez, who was armed with a handgun, walking towards him and his partner. Officer Estrada believed that his police badge was secured to his belt and that it was visible. The FID investigation revealed that based on photographs taken of Estrada after the OIS incident, Officer Estrada's untucked shirt would have covered his badge. The Use of Force - Tactics Directive No. 10.3 (Undercover and Surveillance Operations) states, "If officers attempt to take a suspect into custody, absent exigent circumstances (immediate and life-threatening), they shall be: Identifiable as police officers; and, wearing body armor." Captain Valenzuela advised that this issue was addressed through the generation of a SAI and informal counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

Officers Hegemier and Hoyos did not have a "POLICE" patch on the rear of their tactical vests. Captain Valenzuela advised that this issue was addressed through

the administrative and supervisory staff of Metropolitan Division completing a project to confirm and ensure uniformity of the markings on the tactical vests used by Metropolitan Division officers. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Body Worn Video – BWV (Late Activation)** – The investigation revealed that Officer Tudor had a late activation of her BWV. She activated her BWV approximately five minutes after detaining Segura. Metropolitan Division conducted an analysis and determined Officer Tudor had no prior BWV non-compliance incidents. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and informal training. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Purece had a late activation of his BWV. He did not activate his BWV during his Code Three response to the Help Call but did activate his BWV prior to exiting his police vehicle. Metropolitan Division conducted an analysis and determined Officer Purece had one prior BWV non-compliance incident. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

Counter-Terrorism and Special Operations Bureau conducted a random inspection of BWV assigned to Officer Tudor from April 1, 2020 through May 31, 2020, and to Officer Purece from April 1, 2020 through August 1, 2020, for compliance with timely activations. The results of the inspections indicated that Officers Tudor and Purece were in compliance.

- **Medical Treatment (Rendering Aid)** – At approximately 1700:53 hours, Officer Garcia broadcast an OIS help call, which resulted in CIT personnel responding to the OIS scene. Officer Rodriguez was the first officer to arrive to the OIS scene and took cover behind a parked grey truck. He observed that Lopez was laying behind the grey truck and was bleeding. Officer Rodriguez stated he requested the officers behind him, which he believed were Officers Hegemier and Clark, to request an RA for Lopez. Officer Rodriguez did not make request because he was the point officer covering Lopez, who was not in custody. Officers Hegemier and Clark stated an RA request was made, but not by them. They were unsure who had made the RA request. Officers Clark, Hegemier, Rodriguez, Garcia and Estrada formulated a tactical plan to take Lopez into custody. At approximately 1704:45 hours, the officers approached Lopez and took him into custody without incident. At approximately 1705:30 hours, shortly after arriving to the OIS, Sergeant Kim requested a RA for Lopez. At approximately 1717:38 hours, LACFD Squad No. 20 and CARE Ambulance Services responded to the OIS scene and rendered aid to Lopez.

- **Search of Arrestee** – Officer Tudor, a female officer, searched Segura, a male. Officers Purece, Trejo, and Hoyos, who were male officers, were standing nearby. Captain Valenzuela advised that this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. As such, the Chief deemed no further action is necessary.

#### **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)** – None of the police vehicles at scene were equipped with DICVS.
- **Body Worn Video (BWV)** – Officers Tudor and Purece's BWV captured portions of the post-OIS events but did not capture the use of force.

Officer Purece's BWV captured their response to the scene as well as the detention of Segura. In addition, the BWV captured Lopez' transportation to the hospital, as well as multiple spontaneous statements made by Lopez following the OIS.

Officer Tudor's BWV captured her speaking with Segura and obtaining information for a Field Interview Card (FI Card).

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's analysis.

#### **Tactical De-Escalation**

- The OIG concurs with the Chief's analysis.

#### **Additional**

- More than four minutes and thirty seconds transpired between the time of the OIS and the time of a broadcast requesting a Rescue Ambulance. The OIG recommends that the importance of promptly requesting medical aid for injured persons be addressed during the Tactical Debrief of this incident.

### **BWV and DICVS Policy Compliance**

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
40659	Officer Tudor	No	Yes	No	N/A	N/A
32488	Officer Purece	No	Yes	Yes	N/A	N/A

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.

- Following the OIS, Officer Estrada assumed a position in the street that did not afford him any cover from Lopez while he was holding Lopez at gunpoint pending the arrival of additional officers. Although Lopez's hands were visibly empty at that point during the encounter, Officer Estrada could have potentially found himself in a disadvantageous position had Lopez attempted to re-arm himself. The OIG recommends that this matter be addressed during the Tactical Debrief of this incident.

### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

### **Lethal Use of Force**

- The OIG concurs with the Chief's findings.
- In its evaluation of Officer Garcia's use of deadly force, the OIG noted Officer Garcia's perception that Lopez raised his (Lopez's) handgun and pointed it in the direction of Officers Garcia and Estrada. Although video evidence appears to show that Lopez did not fully raise either of his arms at the time when Officer Garcia was determined by the FID investigation to have fired a round at him, the available evidence supports that Lopez did in fact possess a handgun and that he presented the weapon in a manner that could reasonably be perceived as posing an imminent threat of death or serious bodily injury to both officers. In response to Lopez's actions, Officer Garcia fired one round and then ceased fire as he assessed the threat to have diminished. The OIG concurs with the Chief's conclusion that it was reasonable for Officer Garcia to believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury.



MARK P. SMITH  
Inspector General